

1 legal maximum allowed by the fixed axles regardless of
 2 whether the axle is extended at the time of weighing. In
 3 addition to the penalties in subsection (1), the owner or
 4 operator shall be fined \$100 for failure to have the
 5 retractable axle fully extended while the gross weight of
 6 the vehicle exceeds the legal maximum allowed by the fixed
 7 axles.

8 (3) A complaint filed and a summons or notice to appear
 9 issued pertaining to a violation of the gross weight
 10 regulations in 61-10-101 through 61-10-110 shall ~~shall~~ must
 11 specify the amount of the overweight which that the
 12 defendant is alleged to have had upon the vehicle or
 13 combination of vehicles.

14 (4) The penalties in subsection (1) do not apply to an
 15 operator who fails to secure a special permit as provided
 16 for in 61-10-107(3) if the vehicle or combination of
 17 vehicles is not overweight with such a permit. The failure
 18 to obtain the special permit is punishable under 61-10-146
 19 and under this section as provided in 61-10-146, and the
 20 operator is required to purchase the permit. If the vehicle
 21 or combination of vehicles exceeds the weight limitations
 22 allowed by special permit and the operator fails to obtain a
 23 permit under 61-10-107(3), the penalties of subsection (1)
 24 apply to the weight exceeding 80,000 pounds.

25 (5) It is a misdemeanor, punishable as provided in

1 46-18-212, for ~~any a~~ person, firm, or corporation to violate
 2 any of the provisions of 61-10-123, 61-10-141, or
 3 61-10-142."

4 **Section 2.** Section 61-10-146, MCA, is amended to read:

5 **"61-10-146. Special permits -- misrepresentations and**
 6 **violations as misdemeanor.** (1) A person who knowingly and
 7 willfully misrepresents the size or weight of a vehicle,
 8 combination of vehicles, load, object, or other thing in
 9 obtaining a special permit or who does not follow the
 10 requirements and conditions of the special permit or who
 11 operates a vehicle, combination of vehicles, load, object,
 12 or other thing the size or weight of which requires a
 13 special permit without first obtaining a special permit is
 14 guilty of a misdemeanor.

15 (2) A person, firm, or corporation convicted of:

16 (a) operating a vehicle or combination of vehicles with
 17 weight upon a wheel, axle, or group of axles greater than
 18 the maximum authorized by a special permit or of operating
 19 without a special permit a vehicle or combination of
 20 vehicles the weight of which requires a special permit
 21 shall, in addition to the other penalties provided by law
 22 for the offense, be punished by a fine in the amount
 23 provided in 61-10-145(1); or

24 (b) violating any provision of 61-10-124{4}{6} or any
 25 restriction on the special permits issued by the department

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1 under 61-10-124~~(4)~~(6) shall be punished by a fine of not
2 less than \$500 or more than \$1,000, and all special permits
3 issued for the operation of the combination in violation
4 shall be confiscated. The combination must be separated into
5 combinations of legal length before the units may proceed."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0080, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act amending 61-10-145 and 61-10-146, MCA, to revise the penalties for operating a vehicle or combination of vehicles without, or in violation of, a special overweight permit.

ASSUMPTIONS:

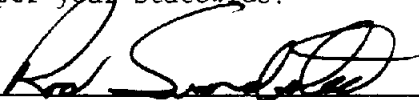
1. The current trend represented in 1990, whereby 355 citations were issued for exceeding permitted weights, will continue.
2. Currently vehicles exceeding permitted weights violate 61-10-125, MCA, and typically pay a fine of approximately \$70 per incident. SB0080 proposes to amend 61-10-146 to require the fines for special permit violations be in accordance to the penalties outlined in 61-10-145 which average \$176 per incident.
3. SB0080 would increase average fines for special permit violations from \$70 to \$176 for an increase of \$106 per incident.
4. County governments receive 50% of the fines derived from special permit violations in accordance to 3-10-601, MCA.
5. The remaining 50% will be distributed by the state treasurer in accord with 3-10-601, MCA, as shown below under revenues.
6. Current law revenue estimates are unknown.

FISCAL IMPACT:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Revenues</u>						
General Fund						
Fish, Wildlife & Pks. Special Revenue			4,327			4,327
Highways Special Revenue			1,882			1,882
Traffic Education			2,352			2,352
Livestock Special Revenue			6,773			6,773
Crime Victim Compensation			113			113
Dept. of Family Services Sp. Revenue			3,180			3,180
			<u>188</u>			<u>188</u>
Total			18,815			18,815

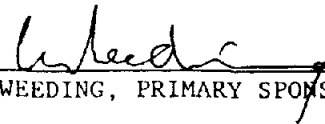
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Subject to the provisions of 3-10-601, MCA, county general funds would receive 50% of any increase in fines or approximately \$18,815 per year statewide.


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE

1-19-91


 CECIL F. WEEDING, PRIMARY SPONSOR

DATE

4/2/91

Fiscal Note for SB0080, as introduced.

SB 80

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

SENATE BILL NO. 80

INTRODUCED BY *W. C. ...*
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTIES FOR OPERATING A VEHICLE OR COMBINATION OF VEHICLES WITHOUT A SPECIAL OVERWEIGHT PERMIT OR IN VIOLATION OF THE CONDITIONS OF THE PERMIT; AND AMENDING SECTIONS 61-10-145 AND 61-10-146, MCA."

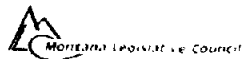
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-145, MCA, is amended to read:

***61-10-145. Penalties.** (1) A person, firm, or corporation convicted of violating 61-10-101 through 61-10-110 shall be punished by a fine of not less than \$30 or more than \$100. A person, firm, or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum permitted by 61-10-101 through 61-10-110 shall be fined, in addition to other penalties provided by law for the offense, the following amounts:

- (a) \$30 for any excess weight up to and including 2,000 pounds;
- (b) \$50 for any excess weight more than 2,000 pounds and less than 4,001 pounds;

- (c) \$70 for any excess weight more than 4,000 pounds and less than 6,001 pounds;
- (d) \$100 for any excess weight more than 6,000 pounds and less than 8,001 pounds;
- (e) \$160 for any excess weight more than 8,000 pounds and less than 10,001 pounds;
- (f) \$220 for any excess weight more than 10,000 pounds and less than 12,001 pounds;
- (g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;
- (h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;
- (i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;
- (j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;
- (k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;
- (1) \$2,000 for any excess weight more than 25,000 pounds.
- (2) If a motor vehicle is equipped with a retractable axle that is not fully extended and carrying its proportionate share of the load while the motor vehicle is operated upon the highways of this state, the weight penalties in subsection (1) apply to all weight over the



1 legal maximum allowed by the fixed axles regardless of
 2 whether the axle is extended at the time of weighing. In
 3 addition to the penalties in subsection (1), the owner or
 4 operator shall be fined \$100 for failure to have the
 5 retractable axle fully extended while the gross weight of
 6 the vehicle exceeds the legal maximum allowed by the fixed
 7 axles.

8 (3) A complaint filed and a summons or notice to appear
 9 issued pertaining to a violation of the gross weight
 10 regulations in 61-10-101 through 61-10-110 shall ~~shall~~ must
 11 specify the amount of the overweight which that the
 12 defendant is alleged to have had upon the vehicle or
 13 combination of vehicles.

14 (4) The penalties in subsection (1) do not apply to an
 15 operator who fails to secure a special permit as provided
 16 for in 61-10-107(3) if the vehicle or combination of
 17 vehicles is not overweight with such a permit. The failure
 18 to obtain the special permit is punishable under 61-10-146
 19 and under this section as provided in 61-10-146, and the
 20 operator is required to purchase the permit. If the vehicle
 21 or combination of vehicles exceeds the weight limitations
 22 allowed by special permit and the operator fails to obtain a
 23 permit under 61-10-107(3), the penalties of subsection (1)
 24 apply to the weight exceeding 80,000 pounds.

25 (5) It is a misdemeanor, punishable as provided in

1 46-18-212, for any a person, firm, or corporation to violate
 2 any of the provisions of 61-10-123, 61-10-141, or
 3 61-10-142."

4 **Section 2.** Section 61-10-146, MCA, is amended to read:

5 "61-10-146. **Special permits -- misrepresentations and**
 6 **violations as misdemeanor.** (1) A person who knowingly and
 7 willfully misrepresents the size or weight of a vehicle,
 8 combination of vehicles, load, object, or other thing in
 9 obtaining a special permit or who does not follow the
 10 requirements and conditions of the special permit or who
 11 operates a vehicle, combination of vehicles, load, object,
 12 or other thing the size or weight of which requires a
 13 special permit without first obtaining a special permit is
 14 guilty of a misdemeanor.

15 (2) A person, firm, or corporation convicted of:

16 (a) operating a vehicle or combination of vehicles with
 17 weight upon a wheel, axle, or group of axles greater than
 18 the maximum authorized by a special permit or of operating
 19 without a special permit a vehicle or combination of
 20 vehicles the weight of which requires a special permit
 21 shall, in addition to the other penalties provided by law
 22 for the offense, be punished by a fine in the amount
 23 provided in 61-10-145(1); or

24 (b) violating any provision of 61-10-124(4)(6) or any
 25 restriction on the special permits issued by the department

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1 under 61-10-124(4)(6) shall be punished by a fine of not
2 less than \$500 or more than \$1,000, and all special permits
3 issued for the operation of the combination in violation
4 shall be confiscated. The combination must be separated into
5 combinations of legal length before the units may proceed."

-End-

SENATE BILL NO. 80

INTRODUCED BY *Arndt*
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTIES FOR OPERATING A VEHICLE OR COMBINATION OF VEHICLES WITHOUT A SPECIAL OVERWEIGHT PERMIT OR IN VIOLATION OF THE CONDITIONS OF THE PERMIT; AND AMENDING SECTIONS 61-10-145 AND 61-10-146, MCA."

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

Section 1. Section 61-10-145, MCA, is amended to read:

"61-10-145. Penalties. (1) A person, firm, or corporation convicted of violating 61-10-101 through 61-10-110 shall be punished by a fine of not less than \$30 or more than \$100. A person, firm, or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum permitted by 61-10-101 through 61-10-110 shall be fined, in addition to other penalties provided by law for the offense, the following amounts:

- (a) \$30 for any excess weight up to and including 2,000 pounds;
- (b) \$50 for any excess weight more than 2,000 pounds and less than 4,001 pounds;

- (c) \$70 for any excess weight more than 4,000 pounds and less than 6,001 pounds;
- (d) \$100 for any excess weight more than 6,000 pounds and less than 8,001 pounds;
- (e) \$160 for any excess weight more than 8,000 pounds and less than 10,001 pounds;
- (f) \$220 for any excess weight more than 10,000 pounds and less than 12,001 pounds;
- (g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;
- (h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;
- (i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;
- (j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;
- (k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;
- (l) \$2,000 for any excess weight more than 25,000 pounds.
- (2) If a motor vehicle is equipped with a retractable axle that is not fully extended and carrying its proportionate share of the load while the motor vehicle is operated upon the highways of this state, the weight penalties in subsection (1) apply to all weight over the



1 legal maximum allowed by the fixed axles regardless of
 2 whether the axle is extended at the time of weighing. In
 3 addition to the penalties in subsection (1), the owner or
 4 operator shall be fined \$100 for failure to have the
 5 retractable axle fully extended while the gross weight of
 6 the vehicle exceeds the legal maximum allowed by the fixed
 7 axles.

8 (3) A complaint filed and a summons or notice to appear
 9 issued pertaining to a violation of the gross weight
 10 regulations in 61-10-101 through 61-10-110 shall must
 11 specify the amount of the overweight which that the
 12 defendant is alleged to have had upon the vehicle or
 13 combination of vehicles.

14 (4) The penalties in subsection (1) do not apply to an
 15 operator who fails to secure a special permit as provided
 16 for in 61-10-107(3) if the vehicle or combination of
 17 vehicles is not overweight with such a permit. The failure
 18 to obtain the special permit is punishable under 61-10-146
 19 and under this section as provided in 61-10-146, and the
 20 operator is required to purchase the permit. If the vehicle
 21 or combination of vehicles exceeds the weight limitations
 22 allowed by special permit and the operator fails to obtain a
 23 permit under 61-10-107(3), the penalties of subsection (1)
 24 apply to the weight exceeding 80,000 pounds.

25 (5) It is a misdemeanor, punishable as provided in

1 46-18-212, for any a person, firm, or corporation to violate
 2 any of the provisions of 61-10-123, 61-10-141, or
 3 61-10-142."

4 **Section 2.** Section 61-10-146, MCA, is amended to read:
 5 "61-10-146. **Special permits -- misrepresentations and**
 6 **violations as misdemeanor.** (1) A person who knowingly and
 7 willfully misrepresents the size or weight of a vehicle,
 8 combination of vehicles, load, object, or other thing in
 9 obtaining a special permit or who does not follow the
 10 requirements and conditions of the special permit or who
 11 operates a vehicle, combination of vehicles, load, object,
 12 or other thing the size or weight of which requires a
 13 special permit without first obtaining a special permit is
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15 (2) A person, firm, or corporation convicted of:

16 (a) operating a vehicle or combination of vehicles with
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 19 without a special permit a vehicle or combination of
 20 vehicles the weight of which requires a special permit
 21 shall, in addition to the other penalties provided by law
 22 for the offense, be punished by a fine in the amount
 23 provided in 61-10-145(1); or

24 (b) violating any provision of 61-10-124(4)(6) or any
 25 restriction on the special permits issued by the department

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1 under 61-10-124(4)(6) shall be punished by a fine of not
2 less than \$500 or more than \$1,000, and all special permits
3 issued for the operation of the combination in violation
4 shall be confiscated. The combination must be separated into
5 combinations of legal length before the units may proceed."

-End-

1 SENATE BILL NO. 80

2 INTRODUCED BY WEEDING

3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTIES
6 FOR OPERATING A VEHICLE OR COMBINATION OF VEHICLES WITHOUT A
7 SPECIAL OVERWEIGHT PERMIT OR IN VIOLATION OF THE CONDITIONS
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9 61-10-146, MCA."

10

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9 (g) \$300 for any excess weight more than 12,000 pounds
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11 (h) \$400 for any excess weight more than 14,000 pounds
12 and less than 16,001 pounds;

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17 (k) \$1,000 for any excess weight more than 20,000
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22 axle that is not fully extended and carrying its
23 proportionate share of the load while the motor vehicle is
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25 penalties in subsection (1) apply to all weight over the

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-End-