

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN SHIELL ANDERSON**, on March 6, 1995, at
3:10 p.m.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)
Rep. Jack Wells (R)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Kim Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 355
SB 205
SB 245

Executive Action: SB 103 Be Concurred In
SB 129 Tabled
SB 114 Be Concurred In
SB 163 Be Concurred In
SB 268 Be Concurred In

{Tape: 1; Side: 1; Approx. Counter: 030; Comments: None.}

EXECUTIVE ACTION ON SB 103

Motion: REP. JOE BARNETT MOVED SB 103 BE CONCURRED IN.

Discussion:

REP. DON LARSON spoke in support of SB 103. He also said that SB 103 would clarify in law something that the State is already doing.

REP. DAN MCGEE stated that the Federal Highway Administration would like to change everything to metric and the general public is not familiar with the metric scale and he stated he would oppose this piece of legislation for that reason.

REP. PAT GALVIN asked if what REP. MCGEE mentioned was in federal law. REP. DAN MCGEE replied yes.

REP. MARIAN HANSON stated that she believed that the bill only related to utilities that needed to be moved. REP. DAN MCGEE replied that it was renaming categories of highway and that would be part of the agenda.

REP. MATT BRAINARD asked if the federal aid system came down to this. REP. DAN MCGEE replied that there has been a policy made at a federal level and he objected to it.

Vote: The question was called. A voice vote was taken. Motion CARRIED 15 to 3 with REP. MATT BRAINARD, REP. DAN MCGEE and REP. RICK JORE voting no.

{Tape: 1; Side: A; Approx. Counter: 170; Comments: None.}

HEARING ON SB 355

Opening Statement by Sponsor:

SEN. GARY FORRESTER, Senate District 8, Billings, stated that SB 355 comes from years of negotiations with tow truck operators. They have come to a consensus and have asked the legislature to introduce a bill to update the law.

Proponents' Testimony:

Bob Gilbert, Montana Tow Truck Association, spoke in support of SB 355. EXHIBITS 1, 2, and 3

Milo Casagrande, Milo's Towing, President, Montana Tow Truck Association, supported SB 355.

Bill Sparr, Sparr's Towing, and Missoula County Towing Association, supported SB 355.

Terry Morrison, Montana Tow Truck Association, Bozeman, supported SB 355.

Jim Smith, Montana Sheriffs and Peace Officers Association, stated that his group often works with the tow truck operators. He also said that this was a good bill with a lot of work behind it.

Mike Penney, Modern Auto, Laurel, supported SB 355.

{Tape: 1; Side: B; Approx. Counter: 010; Comments: New Side.}

Scott Hansen, supported SB 355.

Ralph Hanser, Hansers Wrecker Company, Billings, stated that he had been in the towing industry for 28 years and he supported SB 355. He also said that abandonment is a large problem in this business and he feels this will help that problem.

Dan Allen, City Towing, Billings, supported the bill.

Dave Galt, Administrator, Motor Carriers Services Division, Department of Transportation, supported the bill.

Craig Reap, Colonel, Montana Highway Patrol, stated that he and other patrolmen have participated in the making of the bill and he felt that SB 355 was a good start.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. MATT BRAINARD asked **SEN. FORRESTER** to explain page 4, line 3 of the bill. **SEN. GARY FORRESTER** replied that towing vehicles with homemade equipment would have to be re-certified.

REP. MATT BRAINARD asked who in the state would be doing this certification. **Bob Gilbert** replied that any person who was trained in that field.

REP. MATT BRAINARD asked if professional engineers were qualified. **Mr. Gilbert** replied that he was not sure how many would be qualified.

REP. MATT BRAINARD asked about the storage facility on the tow truck operators' property. **Mr. Gilbert** replied that most cities and counties do not have a fenced in area for these vehicles so the operator would store it. He also said that there is a rotation system for the use of tow trucks by the State.

REP. JACK WELLS asked how tow truck operators set fees. **Mr. Gilbert** replied that they vary because it is against the law to set rates on the tow trucks.

REP. JACK WELLS asked how the rotation system worked. **Mr. Gilbert** replied that having the rotation system has gone on for years and seems to work well. He said that competition keeps the costs down.

REP. JACK WELLS asked if the market influences tow truck rates. Mr. Gilbert replied no, and that the system has gone on for years.

REP. DON LARSON asked what percentage of the tow truck operators in the state of Montana does the Montana Tow Truck Association represent. Milo Cassagrande replied approximately a fourth of all the tow truck operators in the state are members.

REP. DON LARSON asked if SB 355 would provide more regulation and would tighten up who would be certified as a tower. He said that the bill would exclude 75% of the towers in the State of Montana. Mr. Cassagrande replied that a lot of the people he referred to as "towers" would be dealerships who do not want to take the time to belong to their association. He also said that there are a lot of small towers in the state that are not members because it is difficult for them to make meetings because they do not have a second driver.

REP. DON LARSON stated on page 4, lines 4 through 9 in the bill stated that the Department shall assign a committee with members selected from the Montana Tow Truck Association. He said his point was that the only towers who were allowed on the committee would be members on the board of directors of the Montana Tow Truck Association. Mr. Cassagrande stated that he would not mind amending the bill. He said the reason for that wording was because the Association had advertised and solicited people to come to the meetings and there is no reason a tower could not be on the board of directors if they wanted to. He said that a lot of the small towers do not come because they do not have the time. He also said that the small towers do need the representation.

REP. DON LARSON asked if the highway patrol are able to inspect a tow truck. Rob Smith, Assistant Attorney General, stated that to his understanding that either they are now or will receive the training to inspect these tow trucks.

REP. DON LARSON stated that if a highway patrolman called the wrong size wrecker and damage or injury was caused by the officer not being able to properly size the accident, would the State assume liability. Rob Smith replied that he would think the State would have to assume liability.

REP. DON LARSON asked if the state would be liable for damages if the state properly certified a company and the towing company sent out a new driver that did not know how to operate the machinery. Mr. Smith replied yes.

REP. DON LARSON asked who would be certifying these wreckers. Bob Gilbert replied that the state does not certify anyone they only classify. He also said the only certifying the state will do in this bill would be certifying the mechanic who would be eligible to inspect these trucks. The state would never want that sort of liability if a tow truck operator does not properly handle an accident. He also said that the State would be setting the limits on liability insurance on the tow truck operators.

REP. DON LARSON stated that on page 2 of the bill it sounded like the state would be certifying equipment. Mr. Gilbert replied that a unit is qualified based on its size, but it does not certify.

REP. DAN MCGEE stated that on the last page of the bill, line 12 it would change the appraised value of junk vehicles. Mr. Gilbert replied that due to inflation they raised the amount to \$500.

REP. PAT GALVIN asked if a person towed their own vehicle they would not have to meet some requirements. Col. Craig Reap replied that it would depend on the circumstances.

REP. PAT GALVIN asked how the highway patrol would be notified about these instances. Col. Reap replied that they would not be notified.

REP. BOB CLARK asked how the bill would affect a person who owns a repair shop and has a homemade wrecker and does not respond to accidents, but tows vehicles to his shop. Mr. Gilbert replied that if he does not charge for that service he would not be affected. If that person does charge for the service he would have to abide by the laws stated in the bill.

REP. DORE SCHWINDEN asked about a coordinating clause, LC 981. Mr. Gilbert replied that SEN. CHARLES SWYSGOOD had a deregulation bill that would deregulate all commercial trucking in the State of Montana. He said that the bill has been modified and is not necessary for the committee to take that language out of the bill.

Closing by Sponsor:

SEN. GARY FORRESTER stated that all different sized tow truck operators had gotten together to get this legislation here. He said that SB 355 promotes public safety.

{Tape: 2; Side: A; Approx. Counter: 009; Comments: New Tape.}

HEARING ON SB 205

Opening Statement by Sponsor:

SEN. GARY FORRESTER, Senate District 8, Billings, explained SB 205. EXHIBIT 5

Proponents' Testimony:

Carl Switzer, Montana Contractors Association, stated that the bill had two purposes, but the Senate amended out one of them. There is a change from 45 feet to 55 feet because there are cranes that are currently made that are 55 feet, but are able to maneuver better than some of the old type cranes.

Dave Galt, Administrator, Motor Carrier Services Division, Department of Transportation, spoke in support of SB 205 with the amendments adopted by the Senate.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. DAN MCGEE asked how long the two pup trucks were. Dave Galt replied that they were up to 110 feet long.

REP. DAN MCGEE asked if they were restricted to the interstate. Mr. Galt replied that if they were pulling three trailers they were restricted to the interstate. He also said that two trailers were allowed anywhere.

REP. DAN MCGEE asked how long a trailer-pup maximum length was. Mr. Galt replied 85 to 95 feet.

REP. PAT GALVIN asked if SB 205 would benefit log or auto carriers. Mr. Galt replied no, only single units.

REP. MARIAN HANSON asked if the bill would help log carriers. SEN. GARY FORRESTER replied no, only cranes would be affected.

Connie Erickson stated that there was a bill coming to the committee pertaining to the log haulers.

CHAIRMAN SHIELL ANDERSON asked if all of the permits issued last year were for cranes. Mr. Galt replied no, they were for log loaders, drilling rigs and cranes.

Closing by Sponsor:

SEN. GARY FORRESTER stated that there was some relief to the crane haulers from SB 205.

{Tape: 2; Side: A; Approx. Counter: 210; Comments: None.}

HEARING ON SB 245

Opening Statement by Sponsor:

SEN. LOREN JENKINS, Senate District 45, Big Sandy, stated that SB 245 was at the request of the Department of Transportation. The main part of the bill was on page 2, line 2 thru 14. This bill would bring the State into compliance with federal regulations. There are also some changes to metric measurement.

Proponents' Testimony:

Dave Galt, Administrator, Motor Carrier Services Division, Department of Transportation, supported SB 245. EXHIBIT 6

Ben Havdahl, Montana Motor Carriers Association, stated that he supports the bill as amended in the Senate. The bill would change the weight from 10,000 pounds per axle to 11,000 pounds per axle.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. PAT GALVIN asked if the bill the committee had in 1993 concerning single width tires would be affected. Mr. Galt replied that in 1993 the Department had almost the same bill as SB 245. That bill was amended on the House floor and the only change was from 600 to 500 pounds per square tire inch.

Closing by Sponsor:

SEN. LOREN JENKINS stated that SB 245 was an important bill for the rural communities.

{Tape: 2; Side: A; Approx. Counter: 720; Comments: None.}

EXECUTIVE ACTION ON SB 129

Motion: REP. JOE TROPILA MOVED SB 129 BE TABLED.

Discussion: None.

Vote: The question was called. A voice vote was taken. Motion CARRIED 11 to 7 with REP. LINDA McCULLOCH, REP. DON LARSON, REP. DAN McGEE, REP. BOB CLARK, REP. JACK WELLS, REP. DORE SCHWINDEN, and REP. MATT BRAINARD voting no.

{Tape: 2; Side: A; Approx. Counter: 842; Comments: None.}

EXECUTIVE ACTION ON SB 114

Motion: REP. DON LARSON MOVED SB 114 BE CONCURRED IN.

Discussion: None

Vote: The question was called. A voice vote was taken. Motion CARRIED 17 to 1 with REP. DAN McGEE voting no.

{Tape: 2; Side: B; Approx. Counter: 009; Comments: New Side.}

EXECUTIVE ACTION ON SB 163

Motion: REP. PAT GALVIN MOVED SB 163 BE CONCURRED IN.

Discussion:

REP. PAT GALVIN stated that being a veteran himself he felt SB 163 was a good bill.

REP. DON LARSON spoke in favor of SB 163 because it would not be a new license plate.

REP. ROD MARSHALL asked if the bill would allow any veteran from any war to receive one of these plates. REP. DON LARSON stated that it would allow any veteran who was a radio operator to have that on a license plate.

REP. CHARLES DEVANEY spoke in support of SB 163.

REP. BILL RYAN supported the bill.

Connie Erickson stated that there was an amendment to avoid a conflict between SB 163 and SB 235. EXHIBIT 4

REP. MATT BRAINARD stated that he was against all specialized license plates, but he supported this bill because is not a new license plate. He asked if there was a way to have the State print decals instead of different plates.

CHAIRMAN SHIELL ANDERSON stated that there would be the same problem as far as law enforcement was concerned with decals.

REP. DON LARSON stated that Washington has the highest number of different types of specialized license plates. He stated that Montana needs a policy for these plates.

Motion/Vote: REP. DON LARSON MOVED TO AMEND SB 163. The question was called. A voice vote was taken. Motion CARRIED unanimously.

Motion: REP. DON LARSON MOVED SB 163 DO CONCUR AS AMENDED.

Discussion:

REP. JACK WELLS asked what a foreign jurisdiction was. Connie Erickson replied that it would be a different state or country.

Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

{Tape: 2; Side: B; Approx. Counter: 295; Comments: None.}

EXECUTIVE ACTION ON SB 268

Motion: REP. DON LARSON MOVED SB 268 BE CONCURRED IN.

Discussion:

REP. DON LARSON stated that SB 268 would allow an underage snowmobile operator to travel with his family supervised to a trailhead. This would be a good family bill.

REP. DAN MCGEE stated that SB 268 would also provide for a safety certificate.

CHAIRMAN SHIELL ANDERSON stated that going through the snowmobile course would be a nuisance for out-of-state people.

REP. ROD MARSHALL asked what the availability of receiving one of these certificates would be.

REP. LINDA McCULLOCH stated that out-of-state people could take a correspondence course and if another state had a similar program it could be Montana approved.

REP. BOB CLARK said that he would have a problem with no bottom age limit on this bill.

REP. DORE SCHWINDEN replied that dealers do not rent to four year old. He stated that his six-year-old could handle a snowmobile fine.

REP. ROD MARSHALL stated that they would not rent a snowmobile to a youngster.

REP. DAN MCGEE stated that it would be ideal to have some sort of language to verify an age limit.

REP. BOB CLARK asked if **Ken Hoovestol** could give the committee some information on this subject. **Ken Hoovestol** stated that these business do not have a standard age limit to rent snowmobiles. He stated that they will rent the machines to the parents.

REP. JEANETTE MCKEE stated that the safety exam would be a safety net for this age limit because a six-year-old could not read the exam.

REP. MARIAN HANSON stated that the parent would drive the snowmobile to the trailhead and then the child would go from there anyway. She said she would rather see the child have a safety course rather than send the child on his way.

REP. ROGER SOMERVILLE stated that there is a problem with water crafts. They have to be 14 years old and complete a safety course.

Vote: The question was called. **A voice vote was taken. Motion CARRIED unanimously.**

ADJOURNMENT

Adjournment: 5:02 p.m.


REP. SHIELL ANDERSON, Chairman


KIMBERLEE GREENOUGH, Secretary

SA/ksg

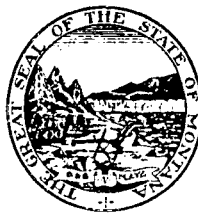
HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE 7 March 6, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		



HOUSE STANDING COMMITTEE REPORT

March 8, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 103 (third reading copy -- blue) be concurred in.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

Carried by: Rep. Barnett

Committee Vote:
Yes 15 No 3

Rep. Brainerd
Rep. McEhee 5 no's
Rep. ...

540814SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 163 (third reading copy -- blue) be concurred in as amended.

Signed:

Kim Shuerg
Shiell Anderson, Chair
Rep. Shiell Anderson

Carried by: Rep. Devaney

And, that such amendments read:

1. Page 2, lines 2 through 6.

Strike: "other" on line 2 through "veteran" on line 6

2. Page 2, line 8.

Following: "disability"

Insert: "unless the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1) of this section, or a specially inscribed license plate issued under 61-3-332(10)(c)(i)(A) or (10)(g) or [section 1(2)]"

-END-

Committee Vote:

Yes 12, No 7

McCulloch, Larson, McEl
Clark, Wells, Schwinden, Brainerd

530826SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Highways and Transportation** report that Senate Bill 268 (third reading copy -- blue) be concurred in.

Signed:

Kim Greenough for
Shiell Anderson Chair
Rep. Shiell Anderson

Carried by: Rep. Larson

Committee Vote:
Yes 18, No 0.

530828SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 7, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 114 (third reading copy -- blue) be concurred in.

Signed:

Kim Greenough
Shiell Anderson, Chair
for Rep. *Shiell Anderson*

Carried by: Rep. Somerville

Committee Vote:

Yes 17, No 1

w/ Rep. Dan McGee to Carry

530825SC.Hbk

EXHIBIT 1

DATE 3-6-95

SB 355

TYPES OF COMMERCIAL TOW TRUCK OPERATORS

1. FOR HIRE; ON THE LAW ENFORCEMENT ROTATION SYSTEM;

SHALL HAVE:

- A. Equipment Classified
- B. Liability Insurance and storage
- C. Annual Equipment Safety inspections

2. FOR HIRE; NOT ON THE LAW ENFORCEMENT ROTATION SYSTEM;

SHALL HAVE:

- A. Liability Insurance
- B. Annual Equipment Safety inspections

OTHER:

NOT FOR HIRE -- PRIVATE

- A. Do not have to meet the requirements of this Chapter.
 - B. You may recover or tow your own equipment as you always have.
- Do not have to meet the requirements of this Chapter.

" THE MONTANA TOW TRUCK PROFESSIONALS "

OUR GOALS:

PUBLIC SAFETY AND PROFESSIONALISM

PROPOSED STEPS TO ACHIEVE THIS GOAL:

1. Classify tow trucks based on size and capability of equipment so they are matched to their intended use. We propose five classifications ranging from units needed to tow or recover automobiles to very specialized units with very specialized auxillary equipment to handle mishaps involving large trucks and even including the handling of hazardous materials.

2. Establishing liability insurance and storage standards for Professional Tow Truck Operators. There are three levels of coverage proposed based on equipment classification and capability. Current liability requirements for Tow Trucks are the same as the liability that is carried on private automobiles.

3. Equipment safety standards to ensure the units can safely handle motor vehicle emergencies. After October 1, 1995 all new or modified equipment must be certified by the manufacturer or independently. Existing equipment in use as of October 1, 1995 may continue to be used under a "grandfather" clause as long as it passes an annual safety inspection. All For Hire equipment must pass an annual safety inspection.

4. A Law Enforcement rotation system will be established to ensure that the public safety is protected by using only qualified equipment for towing and recovery.

5. Training programs will be established so Law Enforcement officers and Tow Truck operators can work together to ensure that public safety is "job one" on all towing and recovery work.

6. A "good faith assistance" clause is included for emergency situations. This is similar to the medical "good faith assistance" provision in current law.

7. An "abandoned vehicle" section is proposed to address "owner liability" in abandoned vehicle situations. This is very important due to the EPA environmental regulations.

EXHIBIT

3

DATE

3-6-93

SB

255

SENATOR GARY FORRESTER

THIS BILL DOES NOT ALLOW THE STATE TO SET PRICE RATES, TO SET OUT AREAS OF OPERATING AUTHORITY, OR RESTRICT ROUTES THAT TOW TRUCK OPERATORS MAY OPERATE ON.

MONTANA HAS NEVER DONE ECONOMIC REGULATION NOR GRANTED AND CONTROLLED THE GEOGRAPHIC AREA TOW TRUCK OPERATORS MAY SERVE.

FEDERAL LAW HAS FORBIDDEN THIS PRACTICE IN THOSE STATES THAT DID.

FEDERAL LAW PRESERVES THE RIGHT OF STATES TO CONTINUE TO HAVE CONTROL IN THE MATTERS OF SAFETY, SIZE AND WEIGHT, TRANSPORTATION OF HAZARDOUS CARGO AND MINIMUM INSURANCE REQUIREMENTS.

THIS BILL DOES NOT VIOLATE THE FEDERAL DEREGULATION ACT. IT USES THE RIGHTS RESERVED TO THE STATES TO GET REASONABLE SAFETY STANDARDS AND MINIMUM INSURANCE REQUIREMENTS TO PROTECT THE SAFETY AND HEALTH OF THE TRAVELING PUBLIC.

Amendments to Senate Bill No. 163
Third Reading Copy

For the House Committee on Highways and Transportation

Prepared by Connie Erickson
March 6, 1995

1. Page 2, lines 2 through 6.

Strike: "other" on line 2 through "veteran" on line 6

2. Page 2, line 8.

Following: "disability"

Insert: "unless the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1) of this section, or a specially inscribed license plate issued under 61-3-332(10)(c)(i)(A) or (10)(g) or [section 1(2)]"

EXHIBIT 5
DATE 3-6-95
1 SB 245

SENATE BILL 245
SPONSOR: SENATOR JENKINS
DATE: 2/9/95

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE I AM SENATOR LOREN JENKINS FROM SENATE DISTRICT---. I BRING THIS BILL BEFORE YOU TODAY TO AVOID A SERIOUS IMPACT ON FARM VEHICLE OWNERS ACROSS THE STATE AND I URGE YOUR SUPPORT.

IN THE LAST SESSION THE DEPARTMENT OF TRANSPORTATION BROUGHT A BILL BEFORE YOU TO CHANGE THE WAY THE DEPARTMENT ENFORCES WEIGHT LIMITS ON VEHICLE TIRES. THE INTENT OF THEIR BILL WAS TO REDUCE THE DAMAGE DONE TO THE HIGHWAY SYSTEM. THAT BILL PASSED BUT IT WAS AMENDED ON THE FLOOR OF THE HOUSE. THAT AMENDMENT WILL CAUSE SERIOUS PROBLEMS TO THE OWNERS OF 2 TON CLASS TRUCKS, PARTICULARLY FARMERS.

THE AMENDMENT LOWERED THE ALLOWABLE WEIGHT PER INCH OF TIRE WIDTH FROM 600 POUNDS TO 500 POUNDS. BECAUSE SMALL TRUCKS USE 8 AND 9 INCH TIRES THAT CHANGE WILL RESULT IN A REDUCTION IN GROSS WEIGHT OF 2000 TO 4000 POUNDS. THIS AFFECT WAS NEVER INTENDED AND THIS BILL WILL CORRECT IT.

Amended out of committee
THIS BILL ALSO PUTS A LIMIT ON STEERING AXLES, WHICH IS A NEW CONCEPT FOR MONTANA. SINCE MONTANA TREATS THE STEERING AXLE LIKE ANY OTHER SINGLE AXLE OPERATORS CAN PUT AS MUCH AS 20,000 POUNDS ON THE FRONT OF THEIR TRUCKS. OVERWEIGHT STEERING AXLES CAN BE VERY DANGEROUS AND CAUSE SERIOUS DAMAGE IN THE EVENT OF A TIRE FAILURE. THIS BILL REQUIRE THAT THE STEERING AXLE WEIGHT CAN NOT EXCEED THE MANUFACTURE'S RATING ON THE TIRE. THIS RULE WILL APPLY TO ALL TRUCKS AND IS THE SAME AS THE FEDERAL RULE THAT CURRENTLY ONLY APPLIES TO COMMERCIAL VEHICLES.

I HAVE PEOPLE FROM THE DEPARTMENT HERE TO GO THROUGH THE DETAILS AND I RESERVE THE RIGHT TO CLOSE

310⁰⁰ ✓ 295 / 75 / 22.5 - max load 6175
24.5 6175

✓ 11. 24.5

11. 22.5

12. 22.5

\$ 500.⁰⁰ 315 / 80 / 22.5

6430

6040

7200 lbs

9000

Noble says only way to control
steering. axle.

As speed decreases - load capacity increases.

Rating one for highway speed.

727-8444-

EXHIBIT 5
DATE 3-6-95
1 SB 245

Bridgestone 295 75R 22.5
6175 single
5675 dual

Goodyear 255 70R 22.5
5510 single
5070 dual

OH754 255 70R 22.5
5510 single
5070 dual

General 295 75R 22.5
6175 single
5675 dual

Michelin 275 80R 24.5
6175 single
5675 dual

General 285 75R 24.5
6175 single
5075 dual

Yokohama 285 75R 24.5

6175 single

5695 dual

Goodyear 285 75R 24.5

6175 single

5695 dual

APPROVED BY COM ON
HIGHWAYS & TRANSPORTATION

EXHIBIT 5
DATE 3-6-95
SB 245

SENATE BILL NO. 245
INTRODUCED BY JENKINS

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MAXIMUM ALLOWABLE WEIGHT ON AXLES EQUIPPED WITH SINGLE TIRES OR WITH WIDE-BASE TIRES; REPEALING OBSOLETE STATUTORY LANGUAGE RELATING TO PERMISSIBLE WEIGHT LOADS; AMENDING SECTIONS 61-10-101, 61-10-107, 61-10-108, 61-10-109, 61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128, 61-10-141, 61-10-144, 61-10-145, AND 61-10-201, MCA; REPEALING SECTION 61-10-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-10-101, MCA, is amended to read:

"61-10-101. Standards of maximum dimensions, weights, etc. The standards provided for in 61-10-102 through 61-10-104 and 61-10-106 through 61-10-110 govern the maximum dimensions, weights, and other characteristics of motor vehicles operating over the highways in the state to the exclusion of other standards or other requirements respecting the subject matter."

Section 2. Section 61-10-107, MCA, is amended to read:

"61-10-107. Maximum gross weight -- when permit required. (1) An axle may not carry a load in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches apart may carry a load in excess of 34,000 pounds. An axle load is the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. For purposes of this section, axles 40 inches or less apart are considered ~~as~~ to be a single axle. A vehicle or combination may not have more than nine axles. The maximum gross weight allowed on a vehicle, group of axles, or combination of vehicles must be determined by the formula:

$$W = 500((LN/(N - 1)) + 12N + 36)$$

in which W equals gross weight, L equals wheel base in feet, and N equals number of axles, except that

1 two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance
2 between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

3 (2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), its
4 maximum load per inch of tire width, excluding the steering axle, may not exceed 500 pounds, based on
5 the table in 61-10-105(3) except for the steering axle, all axles weighing over 10,000 11,000 pounds must
6 have at least four tires or have wide-base tires. The maximum load on an axle, other than a steering axle,
7 equipped with wide-base tires is limited to 500 pounds per inch of tire width.

8 (b) The provisions of subsection (2)(a) do not apply to passenger buses.

9 (c) The maximum gross weight on the steering axle of any vehicle may not exceed the maximum
10 rated capacity as stated on the tires of the steering axle.

11 (d)(C) For the purposes of this section, wide-base tires are tires that are 14 or more inches in
12 nominal width. The maximum tire weight limit is computed for wide-base tires based on the number of
13 inches shown on the tire marking, or if the tire marking is shown by metric size, the tire weight limit is
14 computed by conversion of the metric size.

15 (3) If the gross weight of a vehicle or combination exceeds 80,000 pounds, the vehicle or
16 combination must have a special permit, ~~which~~. The permit may be issued in the discretion of the
17 department of transportation based on evaluation of safety, highway capacity, and economics of highway
18 maintenance and vehicle operation. The fee is \$20 per trip permit or \$100 per term permit. A term permit
19 may not be issued for a period of time greater than the period for which the GVW license is valid. Owners
20 of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to
21 expire with their registration. Permits may specify and permits issued under 61-10-124(6) must specify
22 highway routing.

23 (4) A special permit issued under subsection (3) for the transportation of agricultural products by
24 farm vehicles from a harvesting combine or other harvesting machinery to the point of first unloading is for
25 the full term of the harvest season of the agricultural product transported.

26 (5) This section does not apply to highways that are a part of the national system of interstate and
27 defense highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this
28 state from receiving federal funds for highway purposes."

29
30 Section 3. Section 61-10-108, MCA, is amended to read:

1 **"61-10-108. Reduction under special circumstances.** The maximum axle and axle group loads
2 stated in ~~61-10-105~~ 61-10-107 are subject to reasonable reduction in the discretion of the department of
3 transportation during periods when road subgrades have been weakened by water saturation or other
4 causes."

5
6 **Section 4.** Section 61-10-109, MCA, is amended to read:

7 **"61-10-109. Operation without special permits prohibited.** The operation of vehicles or
8 combinations of vehicles having dimensions or weights in excess of the maximum limits specified in
9 61-10-101 through 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special
10 permit issued by the department of transportation or its agents or the highway patrol."

11
12 **Section 5.** Section 61-10-110, MCA, is amended to read:

13 **"61-10-110. Federal law.** Sections 61-10-101 through 61-10-104 and 61-10-106 through
14 61-10-109 do not authorize, without a permit issued as provided by law, the operation of a combination
15 of vehicles having a gross weight, axle load, or size in excess of that authorized in those sections, or the
16 operation on the national system of interstate and defense highways of a combination of vehicles ~~on the~~
17 ~~national system of interstate and defense highways~~ having a gross weight or size in excess of that the
18 maximum weight and size permitted by law in this state before July 1, 1956, or permitted by federal law
19 or regulation ~~in excess thereof, which is adopted~~. If federal law allows establishment of ~~size and weight~~
20 and size limits in excess of ~~those~~ the allowable limits permitted in ~~those sections~~ 61-10-101 through
21 61-10-104 and 61-10-106 through 61-10-109, without penalty or denial of federal funds for highway
22 purposes, the department of transportation may, by permit designating highway routing, authorize the
23 movement on highways under its jurisdiction of vehicles or combinations of vehicles of a ~~size or weight or~~
24 size in excess of the limits provided for in those sections, but within the limits necessary to qualify for
25 federal-aid highway funds."

26
27 **Section 6.** Section 61-10-121, MCA, is amended to read:

28 **"61-10-121. Permits for excess size and weight.** (1) (a) Upon application and with good cause
29 shown, the department of transportation and local authorities in their respective jurisdictions may issue
30 telephonically or in writing a special permit authorizing the applicant to operate or move a vehicle,

1 combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified
2 in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the jurisdiction
3 of and for the maintenance of which the body granting the permit is responsible. However, only the
4 department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or
5 reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in
6 61-10-101 through ~~61-10-110~~ 61-10-104 and 61-10-106 through 61-10-110. This permit must be issued
7 in the public interest. A carrier receiving this permit must have public liability and property damage
8 insurance for the protection of the traveling public as a whole. A permit may not be issued for a period
9 greater than the period for which the GVW license is valid, including grace periods, as provided in this title.
10 Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits
11 to expire with their registration. A license required by the state governs the issuance of a special permit.

12 (b) The department may issue to dealers in implements of husbandry and self-propelled machinery
13 oversize permits, ~~which~~. The permits may be transferred from unit to unit by the dealer, for the fee set
14 forth in 61-10-124. These oversize permits may not restrict dealers in implements of husbandry and
15 self-propelled machinery from traveling on a Saturday or Sunday and expire on December 31 of each year,
16 with no grace period. For the purposes of this section, a dealer in implements of husbandry or
17 self-propelled machinery must be a resident of the state. A post-office box number is not a permanent
18 address under this section.

19 (2) The applicant for a special permit shall specifically describe the powered vehicle or towing
20 vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to
21 be operated or moved and the particular state highways over which the vehicle, combination of vehicles,
22 load, object, or other thing is to be moved and whether the permit is required for a single trip or for
23 continuous operation."

24
25 Section 7. Section 61-10-124, MCA, is amended to read:

26 "61-10-124. **Special permits -- fee fees -- cranes.** (1) As used in this section, "crane" means a
27 self-propelled, single-unit vehicle consisting of not more than four axles and used for raising, shifting, and
28 lowering heavy weights by means of a projecting swinging arm.

29 (2) Except as provided in subsections (3)(b), (3)(d), and (6), in addition to the regular registration
30 and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit

1 issued for size and weight in excess of that specified in 61-10-101 through 61-10-104 and 61-10-106
2 through 61-10-110 must be paid for all movements under special permits on the public highways under the
3 jurisdiction of the department of transportation.

4 (3) (a) Except as provided in subsections (3)(b), (3)(d), (6), and (7), term or blanket permits may
5 not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet;
6 an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; ~~and~~ or an
7 overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet, or of a limit
8 determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these
9 dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer
10 length, and the long semitrailer cargo unit of the combination may not exceed 48 feet in length. A Rocky
11 Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of
12 more than two trailers or more than two units designed for or used to carry a load are not permitted except
13 as provided in subsections (6) and (7). Special permits for vehicle combinations may specify and special
14 permits under subsections (6) and (7) must specify highway routing and otherwise limit or prescribe
15 conditions of operation of the vehicle or combination, including but not limited to required equipment,
16 speed, stability, operational procedures, and insurance.

17 (b) A term permit may be issued to a dealer in implements of husbandry and self-propelled
18 machinery for an overwidth or overlength vehicle referred to in subsection (3)(a). The fee for this permit
19 is \$75. This permit ~~covers a period of 1 year and~~ expires on December 31 of each year, with no grace
20 period.

21 (c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment
22 of the fee prescribed in subsection (2), allowable gross weight of a five-axle combination logging vehicle
23 is 80,000 pounds.

24 (d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but
25 does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck
26 tractor-semitrailer-trailer-trailer combination, for travel only on highways that are part of the federal-aid
27 interstate system, as defined in 60-1-103, or on other highways within a 2-mile radius of an interchange
28 on the interstate system in order to obtain necessary services or to load or unload at a terminal. When a
29 terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the
30 interchange. The fee for this permit is \$125.

1 (4) Except as provided in subsection (3)(b), a permit may not be issued for a period of time greater
2 than the period for which the GVW license is valid as provided in this title, including grace periods allowed
3 by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of
4 transportation, purchase permits to expire with their registration. A license required by the state governs
5 the issuance of a special permit.

6 (5) The owner or operator of a crane with a gross vehicle weight of less than 80,000 pounds may
7 purchase a 30-day special permit for ~~overweight~~ excess weight if the crane has a current special mobile
8 equipment identification plate and if the department of transportation has approved the configuration of the
9 crane through a weight analysis completed within the same calendar year. The permit is not transferable,
10 and the fee for the permit is \$200.

11 (6) The department may issue special permits to the operating company for a truck-trailer-trailer
12 or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

13 (a) the combination may be operated only on highways that are part of the federal-aid interstate
14 system, as defined in 60-1-103, and within a 2-mile radius of an interchange on the interstate system on
15 other highways only in order to obtain necessary services or to load or unload at a terminal. When a
16 terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the
17 interchange.

18 (b) a combination of vehicles powered by a cab-over (tilt cab) type truck-tractor or a truck may not
19 exceed overall length of 105 feet, inclusive of front and rear bumpers and overhang;

20 (c) a combination of vehicles powered by a conventional truck-tractor may not exceed overall
21 length of 110 feet, inclusive of front and rear bumpers and overhang;

22 (d) an individual cargo unit of the combination may not exceed 28½ feet in length and 102 inches
23 in width;

24 (e) gross weight fees under 61-10-203 must be paid on the truck or truck tractor for the declared
25 registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

26 (f) the combination must have a restricted route permit under 61-10-107(3) and a special
27 overlength permit issued at a fee of \$200 for a term permit or \$20 for each trip permit;

28 (g) travel of the combination may be restricted to specific routes, hours of operation, specific days,
29 or seasonal periods; and

30 (h) the department may enforce any other restrictions determined by the department to be

1 necessary. The permit is not transferable, and the fee for the permit is \$200.

2 (7) The department of transportation may issue special permits under subsection (6) for vehicle
3 combinations that consist of a truck-trailer-trailer if:

4 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than
5 95 feet; and

6 (b) the person, firm, or corporation applying for the permit:

7 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore,
8 chlorite, dolomite, limestone, and custom combine equipment;

9 (ii) operated the truck-trailer-trailer combination before July 1, 1987;

10 (iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that
11 those vehicles used before July 1, 1987; and

12 (iv) provides the department of transportation with an affidavit confirming the routes used before
13 July 1, 1987, for truck-trailer-trailer operations."

14

15 **Section 8.** Section 61-10-126, MCA, is amended to read:

16 **"61-10-126. Deposit of fees.** All fees collected under 61-10-101 through 61-10-104 and
17 61-10-106 through 61-10-125 ~~shall~~ must be forwarded to the state treasurer for deposit in the state
18 highway account in the state special revenue fund."

19

20 **Section 9.** Section 61-10-128, MCA, is amended to read:

21 **"61-10-128. When authorities may restrict right to use roadway.** (1) A local authority may not
22 alter the limitations provided in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 or
23 substitute other limitations or requirements, except as provided in this section.

24 (2) The department of transportation by order, or a local road authority by ordinance or resolution,
25 may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a
26 public highway under its respective jurisdiction and for which it is responsible for maintenance whenever
27 the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic
28 conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and
29 speed are reduced. The department of transportation or the authority that enacts the ordinance or
30 resolution shall erect signs designating the department's order or the authority's ordinance or resolution at

1 each end of that portion of the highway affected, and the order, ~~or ordinance,~~ or resolution is not effective
2 until the signs are erected. The department of transportation, or the authority by ordinance or resolution,
3 may prohibit the operation of trucks or other commercial vehicles or impose limitations on their weight on
4 designated highways, subject to the provisions of subsection (3). These prohibitions and limitations must
5 be designated by appropriate signs placed on the highways.

6 (3) Neither the department of transportation nor a local authority may prohibit the operation of or
7 impose a restriction on the weight of a vehicle loaded with perishable seed potatoes that is traveling on a
8 public highway if:

9 (a) the vehicle is being operated within its legal licensed gross vehicle weight;

10 (b) a permit has been issued under 61-10-107(3), regardless of the vehicle's gross weight,
11 specifying the route from point of loading to the nearest nonrestricted road; and

12 (c) the driver possesses a federal-state inspection certificate issued for the load.

13 (4) A permit referred to in subsection (3) may be revoked for violating any condition of the permit."
14

15 **Section 10.** Section 61-10-141, MCA, is amended to read:

16 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**
17 **enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds. (1)**
18 A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh
19 any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except
20 recreational vehicles as defined in 61-1-132, ~~either~~ by means of either portable or stationary scales, and
21 may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person
22 may then require the driver to unload at a designated facility that portion of the load necessary to decrease
23 the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through
24 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an
25 excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of
26 the excess weight load to proceed to a designated facility where the load can be safely reduced to legal
27 limits.

28 (2) Commodities and material unloaded as required by this section must be cared for by the owner
29 or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as
30 required by this section may not be left on the highway right-of-way.

1 (3) The department of transportation may establish, maintain, and operate weigh stations, either
2 intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup
3 trucks under 14,000 pounds ~~G.V.W.~~ GVW and recreational vehicles as defined in 61-1-132 (that are not
4 new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer),
5 to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their
6 operation and safety requirements. The department may require vehicles over 10,000 pounds to be
7 inspected and weighed by portable scale crews.

8 (4) The department of transportation shall work with the highway patrol in the enforcement of
9 safety standards adopted pursuant to 44-1-1005. For the purposes of the joint enforcement, the highway
10 patrol is designated as the lead agency. The highway patrol and the department of transportation shall
11 cooperate to ~~assure~~ ensure minimum duplication and maximum coordination of enforcement effort.

12 (5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the
13 department of transportation shall designate employees as peace officers. The designated employees must
14 be employed in the administration of the motor carrier services functions of the department of
15 transportation. Each employee designated as a peace officer may:

16 (a) issue citations and make arrests in connection with violations of safety standards adopted under
17 44-1-1005;

18 (b) issue summons;

19 (c) accept bail;

20 (d) serve warrants for arrest;

21 (e) make reasonable inspections of cargo carried by commercial motor vehicles;

22 (f) make reasonable safety inspections of commercial motor vehicles ~~utilized~~ used by motor carriers;

23 and

24 (g) require production of documents relating to the cargo, driver, routing, or ownership of the
25 commercial motor vehicles.

26 (6) In addition to other enforcement duties assigned under this section, an employee of the
27 department of transportation has:

28 (a) the same authority to enforce provisions of the motor carriers law as that granted the public
29 service commission under 69-12-203; and

30 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery

1 for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in
2 Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of
3 lading was obtained."

4
5 **Section 11.** Section 61-10-144, MCA, is amended to read:

6 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or
7 corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

8 (2) However, the operator of a vehicle or combination of vehicles may move over the highways
9 to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth
10 in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable
11 total gross weight limitations by more than 5%, or 7% if the vehicle or combination of vehicles is
12 transporting livestock, and if the weight carried by any axle or combination of axles does not exceed the
13 allowable axle weight limitations by more than 5%, or 7% if the vehicle or combination of vehicles is
14 transporting livestock. In the event that the vehicle or combination of vehicles is not in excess of the
15 allowable total gross or axle weight limitations by more than 5%, or 7% if the vehicle or combination of
16 vehicles is transporting livestock, the department may issue a single trip permit for the fee of \$10, ~~for~~
17 allowing the vehicle or combination of vehicles to move over the highways to the first facility where its load
18 can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess
19 of 5%, or 7% if the vehicle or combination of vehicles is transporting livestock, are subject to the fines
20 provided in 61-10-145, and all loads in excess of 5% of the total gross or axle weight limitations, or 7%
21 if the vehicle or combination of vehicles is transporting livestock:

22 (a) may be required to be adjusted or reduced to conform to the size and weight limitations before
23 the vehicle or combination of vehicles is moved from the point of weighing; or

24 (b) may be issued a permit as authorized by 61-10-141.

25 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)
26 may move over a highway, except any highway that is part of the federal-aid interstate system, within a
27 50-mile radius of the harvested field to the point of first unloading without incurring the excess weight
28 penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not
29 exceed allowable weight limitations by more than 20% per axle, but the maximum load per inch of tire
30 width may not exceed 670 pounds. The vehicle or combination of vehicles may not exceed 40 miles per

hour. A single trip permit as required in subsection (2) is not applicable to the vehicle or combination of vehicles. When a vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed applies to that portion of the load above the legal limit."

Section 12. 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 61-10-104 and 61-10-106 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 61-10-104 and 61-10-106 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) \$75 for any excess weight more than 2,000 pounds and less than 4,001 pounds;
- (c) \$125 for any excess weight more than 4,000 pounds and less than 6,001 pounds;
- (d) \$175 for any excess weight more than 6,000 pounds and less than 8,001 pounds;
- (e) \$250 for any excess weight more than 8,000 pounds and less than 10,001 pounds;
- (f) \$275 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 legal maximum allowed by the fixed axles regardless of whether the axle is extended at the time of weighing. In addition to the penalties in subsection (1), the owner or operator shall be fined \$100 for failure to have the retractable axle fully extended while the gross weight of the vehicle exceeds the legal maximum allowed by the fixed axles.

(3) A complaint filed and a summons or notice to appear issued pertaining to a violation of the

gross weight regulations in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must specify the amount of the excess weight that the defendant is alleged to have had upon the vehicle or combination of vehicles.

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

(5) It is a misdemeanor, punishable as provided in 46-18-212, for a person, firm, or corporation to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142."

Section 13. Section 61-10-201, MCA, is amended to read:

"61-10-201. Gross weight fees on motortrucks, truck tractors, and buses. In addition to other fees for the licensing of vehicles and except as provided in 61-10-203, there must be paid and collected annually for each truck, truck tractor, and bus, based upon the maximum gross loaded weight and the maximum gross weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's application, the following fees:

Schedule I

Up to 6,000 lbs.	\$ 7.50
6,001 through 8,000 lbs.	9.50
8,001 through 10,000 lbs.	13.25
10,001 through 12,000 lbs.	15.00
12,001 through 14,000 lbs.	17.00
14,001 through 16,000 lbs.	21.00
16,001 through 18,000 lbs.	28.00
18,001 through 20,000 lbs.	37.50
20,001 through 22,000 lbs.	47.00
22,001 through 24,000 lbs.	70.00
24,001 through 26,000 lbs.	90.00

EXHIBIT 6
 DATE 3-6-95
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SB0245.02

1	26,001 through 28,000 lbs.	110.00
2	28,001 through 30,000 lbs.	130.00
3	30,001 through 32,000 lbs.	150.00
4	32,001 through 34,000 lbs.	170.00
5	34,001 through 36,000 lbs.	190.00
6	36,001 through 38,000 lbs.	215.00
7	38,001 through 40,000 lbs.	235.00
8	40,001 through 42,000 lbs.	255.00
9	42,001 through 44,000 lbs.	275.00
10	44,001 through 46,000 lbs.	300.00
11	46,001 through 48,000 lbs.	320.00
12	48,001 through 50,000 lbs.	340.00
13	50,001 through 52,000 lbs.	360.00
14	52,001 through 54,000 lbs.	380.00
15	54,001 through 56,000 lbs.	400.00
16	56,001 through 58,000 lbs.	420.00
17	58,001 through 60,000 lbs.	440.00
18	60,001 through 62,000 lbs.	460.00
19	62,001 through 64,000 lbs.	482.50
20	64,001 through 66,000 lbs.	502.50
21	66,001 through 68,000 lbs.	522.50
22	68,001 through 70,000 lbs.	545.75
23	70,001 through 72,000 lbs.	566.50
24	72,001 through 74,000 lbs.	607.50
25	74,001 through 76,000 lbs.	655.00
26	76,001 through 78,000 lbs.	695.00
27	78,001 through 80,000 lbs.	750.00
28	Over 80,000 lbs. and within the weight limits	
29	specified in 61-10-101 through <u>61-10-104 and 61-10-106 through</u> 61-10-110	750.00
30		plus an additional 46.00

1 for each ton or fraction of a ton in excess of 80,000 lbs."

2
3 NEW SECTION. **Section 14. Repealer.** Section 61-10-105, MCA, is repealed.

4
5 NEW SECTION. **Section 15. Date of compliance.** All equipment existing on or after [the effective
6 date of this act] must comply with the provision of 61-10-107(2) by January 1, 1996.

7
8 NEW SECTION. **Section 16. Effective date.** [This act] is effective on passage and approval.

9 -END-

#6
3-6-95
SB 245

SENATE BILL: SB 245

SPONSORED BY: SENATOR JENKINS

TESTIMONY SUBMITTED BY: DAVID A. GALT, ADMINISTRATOR
MOTOR CARRIER SERVICES DIVISION

DATE: 2/9/95

MR CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS DAVID GALT AND I AM THE ADMINISTRATOR OF THE MOTOR CARRIER SERVICES DIVISION FOR THE DEPARTMENT OF TRANSPORTATION.

CURRENTLY TRUCK WEIGHT IN MONTANA IS LIMITED IN SEVERAL WAYS.

1. SINGLE AXLES ARE LIMITED TO 20,000 POUNDS
2. TANDEM AXLES ARE LIMITED TO 34,000 POUNDS
3. GROSS WEIGHT IS LIMITED BY THE BRIDGE FORMULA WHICH LOOKS AT THE NUMBER AXLES AND THE DISTANCE BETWEEN THEM.
4. AND FINALLY, BY TIRE WIDTH.

IN THE LAST LEGISLATIVE SESSION MDT ATTEMPTED TO PASS LEGISLATION WHICH LIMITS A CARRIERS ABILITY TO USE SINGLE TIRES, THEREBY REDUCING PAVEMENT DAMAGE. STUDIES BY THE FEDERAL HIGHWAY ADMINISTRATION AND OTHER TRANSPORTATION AGENCIES AROUND THE COUNTRY INDICATE THAT IMPROPERLY USED SINGLE TIRES ARE A MAJOR CONTRIBUTOR TO HIGHWAY RUTTING. WE TRIED TO PASS SIMILAR LEGISLATION LAST SESSION, BUT A FLOOR AMENDMENT, ELIMINATED OUR PROPOSAL AND SIMPLY CHANGED THE AMOUNT OF WEIGHT ALLOWED PER INCH OF TIRE WIDTH FROM THE PREVIOUSLY ALLOWED 600 POUNDS TO 500 POUNDS. AT THE TIME I THOUGHT THE NET EFFECT WAS ABOUT THE SAME AS WHAT WE WERE TRYING TO ACCOMPLISH, SO THE AMENDMENT WAS PASSED AND BECAME LAW. THAT CHANGE IN 1993 WAS EFFECTIVE ON JANUARY 1, 1995 WITH A GRACE PERIOD OF ONE YEAR. DURING THE INTERIM WE DISCOVERED THAT IF THE 500 POUND LAW BECOMES EFFECTIVE IT WILL HAVE SIGNIFICANT IMPACT ON EVERY SINGLE AXLE 2 TON TRUCK. THESE

2 TON TRUCKS ARE SEEN ON ABOUT EVERY FARM IN MONTANA, AS WELL AS MANY SMALL BUSINESSES. THESE TRUCKS ARE DESIGNED FOR 8 TO 9 INCH TIRES. THE EFFECT OF 500 POUNDS PER INCH OF TIRE WIDTH ON THESE VEHICLES IS A REDUCTION IN GROSS WEIGHT OF 2000 TO 4000 POUNDS PER VEHICLE. THIS WAS NOT THE INTENT OF MDT WHEN WE BROUGHT THIS BILL BEFORE YOU LAST SESSION.

TO CORRECT THIS PROBLEM WE BRING ESSENTIALLY THE SAME BILL BACK BEFORE YOU TODAY. HOWEVER, WE HAVE STUDIED THE EFFECTS OF THIS BILL OVER THE LAST TWO YEARS AND MADE SOME MODIFICATIONS. THIS BILL DOES SEVERAL THINGS:

1. IT STATES THAT ANY AXLE OVER 10,000 POUNDS MUST HAVE FOUR TIRES. AS AN OPTION TO FOUR TIRES A CARRIER MAY USE WIDE BASE TIRES AND BE LIMITED TO 500 POUNDS PER INCH OF TIRE WIDTH, BASED ON THE TIRE MARKING.

THE IMPACT:

- a) TWO TON TRUCKS WITH FOUR TIRES ON THE REAR AXLE-NO EFFECT FROM WHAT IS CURRENTLY ALLOWED.
- b) TRUCKS CURRENTLY IN USE WITH TRIDEM AND QUAD AXLE GROUPS AND WIDE BASE SINGLE TIRES----NO EFFECT.
- c) TRUCKS CURRENTLY USING SINGLE TIRES WILL BE REQUIRED TO USE WIDER TIRES IF THE AXLE WEIGHS OVER 10,000 POUNDS. THE NET EFFECT IS THE SAME AS THE 500 POUND CHANGE MADE IN 1991.

2. PROVIDES AN EXEMPTION FOR BUSES. I AM CONCERNED THAT MANY PASSENGER BUSES IN USE WOULD BE ADVERSELY IMPACTED BY THIS LEGISLATION. SOME BUSES ARE DESIGNED TO RUN A SINGLE

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TIRE ON THE FIRST AXLE OF THE DRIVE AXLE GROUP AND THAT TIRE IS , 12 INCHES WIDE. HOWEVER, THERE MAY BE INSTANCES IF YOU ADOPT THIS BILL WITHOUT THE BUS EXEMPTION, THAT WOULD CAUSE THEM UNDUE HARDSHIP.

3. THIS BILL ADDS A SECTION THAT FORBIDS THE STEERING AXLE WEIGHT TO EXCEED THE RATED CAPACITY OF THE TIRES. THIS MIRRORS A FEDERAL LAW THAT CURRENTLY IS IN PLACE. BUT THIS SECTION WILL APPLY TO ALL VEHICLES IN MONTANA, WHEREAS THE FEDERAL LAW HAS LIMITED APPLICABILITY.

SENATOR JENKINS EXPRESSED CONCERN THAT MANY PEOPLE OVERLOAD THE STEERING AXLE BECAUSE OUR CURRENT STATUTE TREATS IT LIKE ANY OTHER SINGLE AXLE. THIS SECTION WOULD ENSURE THAT IF IT IS NECESSARY TO HAVE HEAVY WEIGHTS ON THE STEERING AXLE, THE TIRES ARE ABLE TO HANDLE THE WEIGHT.

4. THIS BILL REPEALS SECTION 61-10-105 WHICH IS MONTANA'S OLD WEIGHT STANDARD. THE WEIGHT LIMITS IN THIS SECTION HAVE BEEN INCREASED BY SECTION 61-10-107 MANY YEARS AGO, BUT THIS SECTION WAS LEFT IN STATUTE BECAUSE OF THE TIRE SIZE CHART. SINCE THIS CHART DOES NOT DEAL WITH METRIC TIRES IT IS OBSOLETE. THIS BILL PROVIDES LANGUAGE THAT CLEARLY TELLS OUR OFFICERS HOW TO CALCULATE TIRE WIDTH OF METRIC TIRES AND WILL IMPROVE OUR ABILITY TO BE UNIFORM IN OUR ENFORCEMENT.

5. IT PROVIDES AN EFFECTIVE DATE OF 1/1/96 THAT COINCIDES WITH THE END OF THE GRACE PERIOD OF THE LAWS PAST IN THE 1993 SESSION.

IN ESSENCE THIS BILL CORRECTS AN IMPACT ON SMALLER TRUCKS THAT WE

DID NOT FORESEE DURING THE LAST SESSION. IT ALSO HELPS INCREASE SAFETY BY APPLYING A STEERING AXLE TIRE LIMIT TO ALL VEHICLES IN MONTANA. FAILURE TO PASS THIS BILL, OR IN SOME WAY MODIFY THE CURRENT STATUTE WILL CAUSE MANY SMALL TRUCKS TO REDUCE THEIR PAYLOAD, WHICH IS NOT WHAT MCS INTENDED. THANK YOU FOR THE OPPORTUNITY TO PRESENT THIS BILL AND I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

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**FEDERAL HIGHWAY
BEAUTIFICATION PROGRAM**

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**FEDERAL HIGHWAY ADMINISTRATION
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HELENA, MONTANA 59626**

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DATE 3-10-95

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Bigl Sparr	SPARR'S Towing - Missoula	X	
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