

1 *Spit* BILL NO. 147
 2 INTRODUCED BY *A. Gohem*
 3 BY REQUEST OF DEPARTMENT OF HIGHWAYS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 32-1124, R.C.M. 1947, TO REVISE THE MANNER IN WHICH EXCESS
 7 WEIGHT PENALTIES ARE COMPUTED WHEN THE OPERATOR IS FOUND TO
 8 BE DRIVING AN OVERWEIGHT VEHICLE AT THE FIRST OPEN STATE
 9 SCALE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 32-1124, R.C.M. 1947, is amended to
 13 read as follows:

14 "32-1124. Violation, a misdemeanor. (1) It is a
 15 misdemeanor for a person, firm, or corporation to violate
 16 any provision of sections 32-1123.1 through 32-1123.11.

17 ~~(2) -- However, the operator of a vehicle which is loaded~~
 18 ~~at a location where no scale exists may move the vehicle~~
 19 ~~over the highways to the first open state scale without~~
 20 ~~violating those sections and incurring the penalties~~
 21 ~~provided by section 32-1125. The origin of movement shall be~~
 22 ~~at such a distance from a scale that the operator could not~~
 23 ~~have been reasonably expected to check the weight of the~~
 24 ~~vehicle during the loading. The operator shall exhibit~~
 25 ~~shipping papers or other written evidence of the location at~~

1 ~~which the vehicle was loaded. The operator shall move the~~
 2 ~~vehicle toward its destination over the most direct highway~~
 3 ~~route and stop at the first open state scale, permanent or~~
 4 ~~portable. The load must be adjusted or reduced to conform to~~
 5 ~~the size and weight limitations of the vehicle before the~~
 6 ~~vehicle is moved from the point of weighing.~~

7 (2) However, the operator of a vehicle or combination
 8 of vehicles may move over the highways to the first open
 9 state scale, permanent or portable, without incurring the
 10 excess weight penalties set forth in 32-1125 if the total
 11 gross weight of the vehicle or combination of vehicles does
 12 not exceed allowable weight limitations by more than 7%.
 13 Violations in excess of 7% are subject to the fines provided
 14 in 32-1125, and all loads, when necessary, must be adjusted
 15 or reduced to conform to the size and weight limitations
 16 before the vehicle or combination of vehicles is moved from
 17 the point of weighing."

-End-

INTRODUCED BILL

SB 147

Approved by Committee
on Highways & Transportation

Sen. Smith BILL NO. 147
A. Tolson

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15 or reduced to conform to the size and weight limitations
16 before the vehicle or combination of vehicles is moved from
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-End-

SB147

Approved by Committee
on Highways & Transportation

SENATE BILL NO. 147
INTRODUCED BY GRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 32-1124, R.C.M. 1947, TO REVISE THE MANNER IN WHICH EXCESS WEIGHT PENALTIES ARE COMPUTED WHEN THE OPERATOR IS FOUND TO BE DRIVING AN OVERWEIGHT VEHICLE AT THE FIRST OPEN STATE SCALE."

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

Section 1. Section 32-1124, R.C.M. 1947, is amended to read as follows:

"32-1124. Violation a misdemeanor. (1) It is a misdemeanor for a person, firm, or corporation to violate any provision of sections 32-1123.1 through 32-1123.11.

(2) ~~However, the operator of a vehicle which is loaded at a location where no scale exists may move the vehicle over the highways to the first open state scale without violating those sections and incurring the penalties provided by section 32-1125. The origin of movement shall be at such a distance from a scale that the operator could not have been reasonably expected to check the weight of the vehicle during the loading. The operator shall exhibit shipping papers or other written evidence of the location at which the vehicle was loaded. The operator shall move the~~

~~vehicle toward its destination over the most direct highway route and stop at the first open state scale permanent or portable. The load must be adjusted or reduced to conform to the size and weight limitations of the vehicle before the vehicle is moved from the point of weighing.~~

(2) However, the operator of a vehicle or combination of vehicles may move over the highways to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth in 32-1125 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable weight limitations by more than 7%. IN THE EVENT THE VEHICLE OR COMBINATION OF VEHICLES IS NOT IN EXCESS OF THE ALLOWABLE WEIGHT LIMITATIONS BY MORE THAN 7%, THE DEPARTMENT MAY ISSUE A SINGLE TRIP PERMIT FOR THE FEE OF \$10 FOR ALLOWING SAID VEHICLE OR COMBINATION OF VEHICLES TO MOVE OVER THE HIGHWAYS TO THE FIRST FACILITY WHERE ITS LOAD CAN BE SAFELY ADJUSTED OR TO ITS DESTINATION. Violations in excess of 7% are subject to the fines provided in 32-1125, and all loads when necessary, IN EXCESS OF 7% must be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing."

-End-

SECOND READING

SECOND PRINTING

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