

HOUSE BILL NO. 299

INTRODUCED BY SHONTZ

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on Highways and Transportation.
February 14, 1981	Committee recommend bill do pass as amended. Report adopted.
February 16, 1981	Bill printed and placed on members' desks.
February 17, 1981	Second reading, do pass.
February 18, 1981	Correctly engrossed.
February 19, 1981	Third reading, passed. Ayes, 100; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 20, 1981	Introduced and referred to Committee on Highways and Transportation.
March 14, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 16, 1981	Second reading, concurred in.
March 18, 1981	Third reading, concurred in as amended. Ayes, 44; Noes, 4.

IN THE HOUSE

March 19, 1981	Returned from Senate with amendments.
April 7, 1981	Second reading, amendments concurred in.

April 7, 1981

On motion, rules suspended
and bill placed on third
reading this day.

Third reading, amendments
concurred in. Ayes, 97;
Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 299
2 INTRODUCED BY [Signature]

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT A PERSON
5 RECEIVING A PERMIT FOR THE MOVEMENT OF AGRICULTURAL PRODUCTS
6 FROM SINGLE TRIP PERMIT FEES; AMENDING SECTIONS 61-10-107
7 AND 61-10-144, NCA.".

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

10 Section 1. Section 61-10-107, MCA, is amended to read:

11 "61-10-107. Maximum gross axle weight -- permit

12 required. (1) The department of highways may, based on

13 evaluation of safety, highway capacity, and economics of

14 highway maintenance and vehicle operation, authorize by

15 special permit at a fee of \$10, specifying highway

16 routings, the operation of a vehicle having two but not more

17 than nine axles if the maximum single axle load is 20,000

18 pounds and if no two consecutive axles more than 40 inches

19 or less than 96 inches apart carry a load in excess of

20 34,000 pounds. For purposes of this section, axles 40 inches

21 or less apart are considered as a single axle. The maximum

22 gross weight allowed on a vehicle or combination so

23 authorized by this special permit shall be determined by the

24 formula $W = 500(L/N - 1 + 124 + 36)$ in

25 which W equals gross weight, L equals wheel base in feet,

1 and N equals number of axles. However, the maximum
2 allowable gross weight on a group of axles may not exceed
3 the following values:

4	2 axles	40,000 pounds
5	3 axles	60,000 pounds
6	4 axles	80,000 pounds
7	5 axles	85,500 pounds
8	6 axles	90,000 pounds
9	7 axles	105,500 pounds
10	8 axles	105,500 pounds
11	9 axles	105,500 pounds

12 (2) A permit issued under subsection (1) for the
13 movement of agricultural products during harvest season
14 remains in effect for the duration of that years' harvest
15 season.

16 (3) An applicant who receives a special permit under
17 this section for the movement of agricultural products
18 during harvest season is exempt from the single trip permit
19 fee charged under 61-10-144(2).

20 ~~t2714~~ This section does not apply to highways which
21 are a part of the national system of interstate and defense
22 highways (as referred to in 23 U.S.C. 127) when application
23 of this section would prevent this state from receiving
24 federal funds for highway purposes."

25 Section 2. Section 61-10-144, MCA, is amended to read:

INTRODUCED BILL
HB 299

1 "61-10-144. Violation of standards -- seven percent
2 allowance. (1) It is a misdemeanor for a person, firm, or
3 corporation to violate any provision of 61-10-101 through
4 61-10-110.

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

22 (3) The operator of a vehicle who has received a
23 permit for the movement of agricultural products during
24 harvest season under 61-10-107 is exempt from the single
25 trip permit fee of \$10 charged under subsection (2)."

Approved by Committee
on Highways & Transportation

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT A PERSON
5 RECEIVING A PERMIT FOR THE MOVEMENT OF AGRICULTURAL PRODUCTS
6 FROM SINGLE TRIP PERMIT FEES; AMENDING SECTIONS 61-10-107
7 AND 61-10-164, MCA."

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

10 Section 1. Section 61-10-107, MCA, is amended to read:

11 "61-10-107. Maximum gross axle weight -- permit

12 required. (1) The department of highways may, based on

13 evaluation of safety, highway capacity, and economics of

14 highway maintenance and vehicle operation, authorize by

15 special permit at a fee of \$10, specifying highway

16 routings, the operation of a vehicle having two but not more

17 than nine axles if the maximum single axle load is 20,000

18 pounds and if no two consecutive axles more than 40 inches

19 or less than 96 inches apart carry a load in excess of

20 34,000 pounds. For purposes of this section, axles 40 inches

21 or less apart are considered as a single axle. The maximum

22 gross weight allowed on a vehicle or combination so

23 authorized by this special permit shall be determined by the

24 formula $W = 500(L/N - 1 + 12N + 36)$ in

25 which W equals gross weight, L equals wheel base in feet.

1 and N equals number of axles. However, the maximum
2 allowable gross weight on a group of axles may not exceed
3 the following values:

4 2 axles	40,000 pounds
5 3 axles	60,000 pounds
6 4 axles	80,000 pounds
7 5 axles	85,500 pounds
8 6 axles	90,000 pounds
9 7 axles	105,500 pounds
10 8 axles	105,500 pounds
11 9 axles	105,500 pounds

12 ~~(2) A permit issued under subsection (1) for the movement of agricultural products during harvest season remains in effect for the duration of that year's harvest season.~~

13 ~~(3) An applicant who receives a special permit under this section for the movement of agricultural products during harvest season is exempt from the single trip permit fee charged under 6-10-144(2).~~

14 (2) A SPECIAL PERMIT ISSUED UNDER SUBSECTION (1) FOR THE TRANSPORTATION OF AGRICULTURAL PRODUCTS BY FARM VEHICLES FROM A HARVESTING COMBINE OR OTHER HARVESTING MACHINERY TO THE POINT OF FIRST UNLOADING SHALL BE FOR THE FULL TERM OF THE HARVEST SEASON OF THE AGRICULTURAL PRODUCT TRANSPORTED.

15 ~~(3) This section does not apply to highways~~

1 which are a part of the national system of interstate and
 2 defense highways (as referred to in 23 U.S.C. 127) when
 3 application of this section would prevent this state from
 4 receiving federal funds for highway purposes."

5 Section 2. Section 61-10-144, MCA, is amended to read:
 6 "61-10-144. Violation of standards -- seven percent
 7 allowance. (1) It is a misdemeanor for a person, firm, or
 8 corporation to violate any provision of 61-10-101 through
 9 61-10-110.

10 (2) However, the operator of a vehicle or combination
 11 of vehicles may move over the highways to the first open
 12 state scale, permanent or portable, without incurring the
 13 excess weight penalties set forth in 61-10-145 if the total
 14 gross weight of the vehicle or combination of vehicles does
 15 not exceed allowable weight limitations by more than 7%. In
 16 the event the vehicle or combination of vehicles is not in
 17 excess of the allowable weight limitations by more than 7%,
 18 the department may issue a single trip permit for the fee of
 19 \$10 for allowing said vehicle or combination of vehicles to
 20 move over the highways to the first facility where its load
 21 can be safely adjusted or to its destination. Violations in
 22 excess of 7% are subject to the fines provided in 61-10-145,
 23 and all loads in excess of 7% must be adjusted or reduced to
 24 conform to the size and weight limitations before the
 25 vehicle or combination of vehicles is moved from the point

1 of weighing.

2 ~~(3) The operator of a vehicle who has received a~~
 3 ~~permit for the movement of agricultural products during~~
 4 ~~harvest season under 61-10-107 is exempt from the single~~
 5 ~~trip permit fee of \$10 charged under subsection (2).~~
 6 (3) AN OPERATOR OF A VEHICLE OR COMBINATION OF
 7 VEHICLES SUBJECT TO THE PROVISIONS OF 61-10-107(2) MAY MOVE
 8 OVER A HIGHWAY, EXCEPT ANY HIGHWAY WHICH IS PART OF THE
 9 FEDERAL AID INTERSTATE SYSTEM, WITHIN A 50 MILE RADIUS OF
 10 THE HARVESTED FIELD TO THE POINT OF FIRST UNLOADING, WITHOUT
 11 INCURRING THE EXCESS WEIGHT PENALTIES SET FORTH IN 61-10-145
 12 IF THE TOTAL GROSS WEIGHT OF THE VEHICLE OR COMBINATION OF
 13 VEHICLES DOES NOT EXCEED ALLOWABLE WEIGHT LIMITATIONS BY
 14 MORE THAN 20 PERCENT PER AXLE. THE VEHICLE OR COMBINATION OF
 15 VEHICLES MAY NOT EXCEED 40 MILES PER HOUR. NO SINGLE TRIP
 16 PERMIT AS REQUIRED IN SUBSECTION (2) SHALL BE APPLICABLE TO
 17 SUCH VEHICLE OR COMBINATION OF VEHICLES. WHEN SUCH VEHICLES
 18 OR COMBINATION OF VEHICLES VIOLATES ANY OF THE PROVISIONS OF
 19 THIS SUBSECTION, THE FINE OR PENALTY IMPOSED SHALL APPLY TO
 20 THAT PORTION OF THE LOAD ABOVE THE LEGAL LIMIT."

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT A PERSON
5 RECEIVING A PERMIT FOR THE MOVEMENT OF AGRICULTURAL PRODUCTS
6 FROM SINGLE TRIP PERMIT FEES; AMENDING SECTIONS 61-10-107
7 AND 61-10-144, MCA."

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

1 and N equals number of axles. However, the maximum
2 allowable gross weight on a group of axles may not exceed
3 the following values:

4 2 axles	40,000 pounds
5 3 axles	60,000 pounds
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9 7 axles	105,500 pounds
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11 9 axles	105,500 pounds

12 f27--A--permit--issued--under--subsection--f17--for--the
13 movement--of--agricultural--products--during--harvest--season
14 remains--in--effect--for--the--duration--of--that--years--harvest
15 seasons.

16 f37--An--applicant--who--receives--a--special--permit--under
17 this--section--for--the--movement--of--agricultural--products
18 during--harvest--season--is--exempt--from--the--single--trip--permit
19 fee--charged--under--67--to--144f27. (2) A SPECIAL PERMIT ISSUED
20 UNDER SUBSECTION (1) FOR THE TRANSPORTATION OF AGRICULTURAL
21 PRODUCTS BY FARM VEHICLES FROM A HARVESTING COMBINE OR OTHER
22 HARVESTING MACHINERY TO THE POINT OF FIRST UNLOADING SHALL
23 BE FOR THE FULL TERM OF THE HARVEST SEASON OF THE
24 AGRICULTURAL PRODUCT TRANSPORTED.

25 f27f47(3) This section does not apply to highways

1 which are a part of the national system of interstate and
 2 defense highways (as referred to in 23 U.S.C. 127) when
 3 application of this section would prevent this state from
 4 receiving federal funds for highway purposes."

5 Section 2. Section 61-10-144, MCA, is amended to read:
 6 "61-10-144. Violation of standards -- seven percent
 7 allowance. (1) It is a misdemeanor for a person, firm, or
 8 corporation to violate any provision of 61-10-101 through
 9 61-10-110.

10 (2) However, the operator of a vehicle or combination
 11 of vehicles may move over the highways to the first open
 12 state scale, permanent or portable, without incurring the
 13 excess weight penalties set forth in 61-10-145 if the total
 14 gross weight of the vehicle or combination of vehicles does
 15 not exceed allowable weight limitations by more than 7%. In
 16 the event the vehicle or combination of vehicles is not in
 17 excess of the allowable weight limitations by more than 7%,
 18 the department may issue a single trip permit for the fee of
 19 \$10 for allowing said vehicle or combination of vehicles to
 20 move over the highways to the first facility where its load
 21 can be safely adjusted or to its destination. Violations in
 22 excess of 7% are subject to the fines provided in 61-10-145,
 23 and all loads in excess of 7% must be adjusted or reduced to
 24 conform to the size and weight limitations before the
 25 vehicle or combination of vehicles is moved from the point

1 of weighing.

2 ~~t3t--the--operator--of--a--vehicle--who--has--received--a~~
 3 ~~permit--for--the--movement--of--agricultural--products--during~~
 4 ~~harvest--season--under--61-10-107--is--exempt--from--the--single~~
 5 ~~trip--permit--fee--of--\$10--charged--under--subsection--(2);~~
 6 (3) AN OPERATOR OF A VEHICLE OR COMBINATION OF
 7 VEHICLES SUBJECT TO THE PROVISIONS OF 61-10-107(2) MAY MOVE
 8 OVER A HIGHWAY, EXCEPT ANY HIGHWAY WHICH IS PART OF THE
 9 FEDERAL AID INTERSTATE SYSTEM, WITHIN A 50 MILE RADIUS OF
 10 THE HARVESTED FIELD TO THE POINT OF FIRST UNLOADING, WITHOUT
 11 INCURRING THE EXCESS WEIGHT PENALTIES SET FORTH IN 61-10-145
 12 IF THE TOTAL GROSS WEIGHT OF THE VEHICLE OR COMBINATION OF
 13 VEHICLES DOES NOT EXCEED ALLOWABLE WEIGHT LIMITATIONS BY
 14 MORE THAN 20 PERCENT PER AXLE. THE VEHICLE OR COMBINATION OF
 15 VEHICLES MAY NOT EXCEED 40 MILES PER HOUR. NO SINGLE TRIP
 16 PERMIT AS REQUIRED IN SUBSECTION (2) SHALL BE APPLICABLE TO
 17 SUCH VEHICLE OR COMBINATION OF VEHICLES. WHEN SUCH VEHICLES
 18 OR COMBINATION OF VEHICLES VIOLATES ANY OF THE PROVISIONS OF
 19 THIS SUBSECTION, THE FINE OR PENALTY IMPOSED SHALL APPLY TO
 20 THAT PORTION OF THE LOAD ABOVE THE LEGAL LIMIT."

-End-

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5 RECEIVING A PERMIT FOR THE MOVEMENT OF AGRICULTURAL PRODUCTS
6 FROM SINGLE TRIP PERMIT FEES; AMENDING SECTIONS 61-10-107
7 AND 61-10-144, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

1 and N equals number of axles. However, the maximum
2 allowable gross weight on a group of axles may not exceed
3 the following values:

4 2 axles 40,000 pounds

11 9 axles 105,500 pounds

12 t2)--a-permit--issued--under--subsection--{1})--for--the
13 movement--of--agricultural--products--during--harvest--season
14 remains--in--effect--for--the--duration--of--that--years--"harvest
15 seasons".

25 ~~t27t47(3)~~ This section does not apply to highways

1 which are a part of the national system of interstate and
 2 defense highways (as referred to in 23 U.S.C. 127) when
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 19 \$10 for allowing said vehicle or combination of vehicles to
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 22 excess of 7% are subject to the fines provided in 61-10-145,
 23 and all loads in excess of 7% must be adjusted or reduced to
 24 conform to the size and weight limitations before the
 25 vehicle or combination of vehicles is moved from the point

1 of weighing.

2 ~~if the operator of a vehicle who has received a
 3 permit for the movement of agricultural products during
 4 harvest season under 61-10-107 is exempt from the state
 5 trip permit fee of \$10 charged under subsection 127~~

6 (3) AN OPERATOR OF A VEHICLE OR COMBINATION OF
 7 VEHICLES SUBJECT TO THE PROVISIONS OF 61-10-107(2) MAY MOVE
 8 OVER A HIGHWAY, EXCEPT ANY HIGHWAY WHICH IS PART OF THE
 9 FEDERAL AID INTERSTATE SYSTEM, WITHIN A 50 MILE RADIUS OF
 10 THE HARVESTED FIELD TO THE POINT OF FIRST UNLOADING, WITHOUT
 11 INCURRING THE EXCESS WEIGHT PENALTIES SET FORTH IN 61-10-145
 12 IF THE TOTAL GROSS WEIGHT OF THE VEHICLE OR COMBINATION OF
 13 VEHICLES DOES NOT EXCEED ALLOWABLE WEIGHT LIMITATIONS BY
 14 MORE THAN 20 PERCENT PER AXLE BUT THE MAXIMUM LOAD PLR INCH
 15 OF TIRE WIDTH MAY NOT EXCEED 670 POUNDS. THE VEHICLE OR
 16 COMBINATION OF VEHICLES MAY NOT EXCEED 40 MILES PER HOUR. NO
 17 SINGLE TRIP PERMIT AS REQUIRED IN SUBSECTION (2) SHALL BE
 18 APPLICABLE TO SUCH VEHICLE OR COMBINATION OF VEHICLES. WHEN
 19 SUCH VEHICLE OR COMBINATION OF VEHICLES VIOLATES ANY OF THE
 20 PROVISIONS OF THIS SUBSECTION, THE FINE OR PENALTY IMPOSED
 21 SHALL APPLY TO THAT PORTION OF THE LOAD ABOVE THE LEGAL
 22 LIMIT."

23 SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON
 24 JULY 1, 1981.

-End-

March 14, 1981

SENATE STANDING COMMITTEE REPORT
(Highways & Transportation)

That House Bill No. 299 be amended as follows:

1. Title, line 7.

Following: "MCA"

Insert: ";" AND PROVIDING AN EFFECTIVE DATE"

2. Page 4, following line 20.

Insert: "Section 3. Effective date. [This act] is effective on
July 1, 1981."

3. Page 4, line 14.

Following: "AXLE"

Insert: "but the maximum load per inch of tire width may not exceed
670 pounds"