

HOUSE BILL NO. 530

INTRODUCED BY C. SMITH, JONES, ELLISON, PETERSON,  
GILBERT, HARP, LYNCH, CONNELLY,  
RAPP-SVRCEK, DRISCOLL, LORY, EUDAILY,

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE HOUSE

January 28, 1985	Introduced and referred to Committee on Highways and Transportation.
January 30, 1985	Fiscal Note requested.
February 4, 1985	Fiscal Note returned.
February 13, 1985	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.  Considered correctly engrossed.
February 18, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

February 19, 1985	Introduced and referred to Committee on Highways and Transportation.
March 26, 1985	Committee recommend bill be concurrred in. Report adopted.
March 29, 1985	Second reading, concurrred in.

March 30, 1985

Third reading, concurred in.  
Ayes, 46; Noes, 3.

Returned to House.

IN THE HOUSE

March 30, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 530 Connelly

INTRODUCED BY C. Smith Jones Ellison Peterson Jahn

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS HANF Lynch

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING APPLICATION OF OVERWEIGHT VEHICLE PENALTIES AND PROVIDING AN ADDITIONAL PENALTY OF \$100 FOR FAILURE TO USE A RETRACTABLE AXLE IF A VEHICLE IS SO EQUIPPED AND IS OVERWEIGHT; AMENDING SECTION 61-10-145, 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 †2†(3) A complaint filed and a summons or notice to  
 9 appear issued pertaining to a violation of the gross weight  
 10 regulations in 61-10-101 through 61-10-110 shall specify the  
 11 amount of the overweight which the defendant is alleged to  
 12 have had upon the vehicle or combination of vehicles.

13 †3†(4) The penalties in subsection (1) do not apply to  
 14 an operator who fails to secure a special permit as provided  
 15 for in 61-10-107(3) if the vehicle or combination of  
 16 vehicles is not overweight with such a permit. The failure  
 17 to obtain the special permit is punishable under 61-10-146,  
 18 and the operator is required to purchase the permit. If the  
 19 vehicle or combination of vehicles exceeds the weight  
 20 limitations allowed by special permit and the operator fails  
 21 to obtain a permit under 61-10-107(3), the penalties of  
 22 subsection (1) apply to the weight exceeding 80,000 pounds.

23 †4†(5) It is a misdemeanor, punishable as provided in  
 24 46-18-212, for any person, firm, or corporation to violate  
 25 any of the provisions of 61-10-123, 61-10-141, or

1 61-10-142."

-End-

## FISCAL NOTE

In compliance with a written request received January 30 19 85, there is hereby submitted a Fiscal Note for H.B. 530 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 530 clarifies application of overweight vehicle penalties and provides an additional penalty of \$100 for failure to use a retractable axle, if a vehicle is so equipped and is overweight.

FISCAL IMPACT:

None

The revenue impact realized from fines collected for citations issued for failure to use a retractable axle cannot be determined. No data exists regarding the number of vehicles so equipped, citations given, or history of court assessed fines.

LONG-TERM IMPACT:

If compliance with weight law is accomplished with this legislation, there will be a positive result on highway costs over a period of years.

David L. Hunter

BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 4, 1985

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 530 *Connelly*  
 2 INTRODUCED BY *C. Smith Jones* *Blaine Peterson* *James*  
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS *HARP*  
 4 *Lynch* *Rapp* *Smith* *Orvis* *Long*  
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 8 VEHICLE IS SO EQUIPPED AND IS OVERWEIGHT; AMENDING SECTION  
 9 61-10-145, MCA."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 Section 1. Section 61-10-145, MCA, is amended to read:  
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 14 corporation convicted of violating 61-10-101 through  
 15 61-10-110 shall be punished by a fine of not less than \$30  
 16 or more than \$100. A person, firm, or corporation convicted  
 17 of operating a motor vehicle upon the public highways of  
 18 this state with weight upon a wheel, axle, or group of axles  
 19 greater than the maximum permitted by 61-10-101 through  
 20 61-10-110 shall be fined, in addition to other penalties  
 21 provided by law for the offense, the following amounts:  
 22 (a) \$30 for any excess weight up to and including  
 23 2,000 pounds;  
 24 (b) \$50 for any excess weight more than 2,000 pounds  
 25 and less than 4,001 pounds;

1 (c) \$70 for any excess weight more than 4,000 pounds  
 2 and less than 6,001 pounds;  
 3 (d) \$100 for any excess weight more than 6,000 pounds  
 4 and less than 8,001 pounds;  
 5 (e) \$160 for any excess weight more than 8,000 pounds  
 6 and less than 10,001 pounds;  
 7 (f) \$220 for any excess weight more than 10,000 pounds  
 8 and less than 12,001 pounds;  
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 12 and less than 16,001 pounds;  
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 14 and less than 18,001 pounds;  
 15 (j) \$600 for any excess weight more than 18,000 pounds  
 16 and less than 20,001 pounds;  
 17 (k) \$1,000 for any excess weight more than 20,000  
 18 pounds and less than 25,001 pounds;  
 19 (l) \$2,000 for any excess weight more than 25,000  
 20 pounds.  
 21 (2) If a motor vehicle is equipped with a retractable  
 22 axle that is not fully extended and carrying its  
 23 proportionate share of the load while the motor vehicle is  
 24 operated upon the highways of this state, the weight  
 25 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.

1 61-10-142."

-End-

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9 appear issued pertaining to a violation of the gross weight  
10 regulations in 61-10-101 through 61-10-110 shall specify the  
11 amount of the overweight which the defendant is alleged to  
12 have had upon the vehicle or combination of vehicles.

13 ~~(3)~~(4) The penalties in subsection (1) do not apply to  
14 an operator who fails to secure a special permit as provided  
15 for in 61-10-107(3) if the vehicle or combination of  
16 vehicles is not overweight with such a permit. The failure  
17 to obtain the special permit is punishable under 61-10-146,  
18 and the operator is required to purchase the permit. If the  
19 vehicle or combination of vehicles exceeds the weight  
20 limitations allowed by special permit and the operator fails  
21 to obtain a permit under 61-10-107(3), the penalties of  
22 subsection (1) apply to the weight exceeding 80,000 pounds.

23 ~~(4)~~(5) It is a misdemeanor, punishable as provided in  
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