

HOUSE BILL NO. 92

INTRODUCED BY GILBERT

BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 6, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

JANUARY 21, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS.   REPORT ADOPTED.

JANUARY 22, 1987                   PRINTING REPORT.

JANUARY 23, 1987                   SECOND READING, DO PASS.

JANUARY 24, 1987                   ENGROSSING REPORT.

                                     THIRD READING, PASSED.

                                     TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 26, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HIGHWAYS & TRANSPORTATION.

FEBRUARY 23, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN.   REPORT ADOPTED.

MARCH 2, 1987                      SECOND READING, CONCURRED IN.

MARCH 4, 1987                      THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 1.

                                     RETURNED TO HOUSE.

IN THE HOUSE

MARCH 5, 1987                      RECEIVED FROM SENATE.

                                     SENT TO ENROLLING.

1 HB BILL NO. 92  
 2 INTRODUCED BY Gyllant  
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING FENDERS,  
 6 SPLASH APRONS, OR FLAPS ON POLE TRAILERS; AND AMENDING  
 7 SECTION 61-9-407, MCA."

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

10 Section 1. Section 61-9-407, MCA, is amended to read:

11 "61-9-407. Fenders, splash aprons, or flaps required  
 12 on certain vehicles -- dimension and location. (1) It shall  
 13 be unlawful for any person to move, or permit to be moved,  
 14 any truck, bus, truck tractor, trailer, pole trailer, or  
 15 semitrailer, as defined in this title, upon the public  
 16 highways without having first equipped the rearmost wheels  
 17 or set of wheels of such vehicle with fenders, splash  
 18 aprons, or flaps. Such fenders, splash aprons, or flaps  
 19 shall be designed, constructed, and attached to the vehicle  
 20 in such manner so as to arrest and deflect dirt, mud, water,  
 21 rocks, and other substances which may be picked up by the  
 22 rear wheels of such vehicle and thrown into the air, as  
 23 follows:

24 (a) If the vehicle is equipped with fenders, the same  
 25 shall extend in full width from a point above and forward of

1 the center of the tire or tires over and to the rear  
 2 thereof.

3 (b) If the vehicle is equipped with splash aprons or  
 4 flaps, the same shall extend downward in full width from a  
 5 point not lower than halfway between the center of the tire  
 6 or tires and the top of said tire or tires and to the rear  
 7 thereof.

8 (c) If the vehicle is in excess of 8,000 pounds gross  
 9 vehicle weight, such fenders, splash aprons, or flaps shall  
 10 extend downward to a point that is not more than 10 inches  
 11 above the surface of the highway when the vehicle is empty.

12 (d) If the vehicle is 8,000 pounds or less gross  
 13 vehicle weight such fenders, splash aprons, or flaps shall  
 14 extend downward to a point that is not more than 20 inches  
 15 above the surface of the highway when the vehicle is empty.

16 (2) Fenders, splash aprons, or flaps, as used in  
 17 subsection (1) of this section, shall be deemed to be of  
 18 sufficient size and construction as to comply with the  
 19 requirements thereof, if constructed as follows:

20 (a) when measured on the cross-sections of the tread  
 21 of the wheel or on the combined cross-sections of the treads  
 22 of multiple wheels, such fender, splash apron, or flap  
 23 extends at least to each side of the width of the tire or of  
 24 the combined width of the multiple tires, as the case may  
 25 be; and



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LC 0633/01

1 (b) such fender, splash apron, or flap is so  
2 constructed as to be capable at all times of arresting and  
3 deflecting such dirt, mud, water, or other substance as may  
4 be picked up and carried by such wheel or wheels."

5 NEW SECTION. Section 2. Extension of authority. Any  
6 existing authority of the department of justice to make  
7 rules on the subject of the provisions of this act is  
8 extended to the provisions of this act.

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

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8 (c) If the vehicle is in excess of 8,000 pounds gross  
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12 (d) If the vehicle is 8,000 pounds or less gross  
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16 (2) Fenders, splash aprons, or flaps, as used in  
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1 (b) such fender, splash apron, or flap is so  
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