

HB 113 INTRODUCED BY BRANDEWIE
COLLECTING MAINTENANCE CHARGES FROM USERS OF A
PRIVATE ROAD

1/08 INTRODUCED
1/08 REFERRED TO LOCAL GOVERNMENT
1/12 HEARING
1/12 COMMITTEE REPORT--BILL NOT PASSED
1/13 ADVERSE COMMITTEE REPORT ADOPTED 93 3

1 HB BILL NO. 113
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MECHANISM
5 FOR COLLECTION OF MAINTENANCE CHARGES FROM USERS OF A
6 PRIVATE ROAD."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. As used in [this act], the
10 following definitions apply:

11 (1) "Maintenance charges" means the minimum annual
12 cost to grade and plow the surface of a certain private road
13 to facilitate travel, as determined by the members of a road
14 association, by:

15 (a) vehicles of the kind normally used to convey
16 individuals and families; and

17 (b) light commercial and recreational traffic.

18 (2) "Private road" means a lane, path, trail, road,
19 street, or highway over which motor vehicles customarily and
20 regularly travel to adjoining, adjacent, or neighboring
21 property and title to which does not reside in a public
22 agency.

23 (3) "Road association" means a de facto organization:

24 (a) composed of all road users on a certain private
25 road; and

1 (b) the purposes of which are to maintain and improve
2 that private road, to receive and expend funds contributed
3 by road users, and to determine maintenance charges.

4 (4) "Road user" means a person who owns or occupies
5 for residential, business, commercial, or recreational
6 purposes property crossed by, fronting on, or tributary to a
7 certain private road.

8 Section 2. Petition to county commissioners --
9 protection of public health and safety -- declaration.

10 (1) If 10% of the road users petition the county
11 commissioners to find and declare that failure or refusal of
12 certain road users to pay maintenance charges causes
13 conditions creating a threat to public health or safety, the
14 county commissioners shall investigate the alleged threat.

15 (2) After investigation and upon a finding that
16 necessity for such action exists, the county commissioners
17 shall declare that protection of public health and safety
18 requires that every road user pay his proportionate share of
19 the maintenance charges within 15 days from the date of the
20 finding and declaration.

21 Section 3. Sheriff to enforce payment -- civil penalty
22 -- disposition. (1) The sheriff shall notify every road
23 user who fails to pay his proportionate share of the
24 maintenance charges within 15 days of the finding and
25 declaration of the county commissioners provided in [section



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1 2) that failure to pay in full has caused a civil penalty of
2 \$100 to be assessed against him and that civil proceedings
3 are commencing to enforce payment of the maintenance charges
4 and the civil penalty.

5 (2) Upon collection, the maintenance charges must be
6 delivered to the road association and the balance consisting
7 of the civil penalty, after deduction of costs, must be
8 shared equally by the road association and the county
9 general fund.

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