## HOUSE BILL NO. 161

## INTRODUCED BY MEYERS, MERCER, PINSONEAULT, HARDING

### IN THE HOUSE

- JANUARY 13, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
- JANUARY 28, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- JANUARY 29, 1987 PRINTING REPORT.

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- JANUARY 30, 1987 SECOND READING, DO PASS.
- JANUARY 31, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 74; NOES, 20.

TRANSMITTED TO SENATE.

- IN THE SENATE
- FEBRUARY 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
- MARCH 21, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
- MARCH 26, 1987 SECOND READING, CONCURRED IN.
- MARCH 28, 1987 THIRD READING, CONCURRED IN. AYES, 37; NOES, 13.

RETURNED TO HOUSE WITH AMENDMENTS.

## IN THE HOUSE

APRIL 3, 1987

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RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

LC 0614/01

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INTRODUCED BY Il nergers Marcon fin wooned 1 2 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT NEITHER 5 THE DEPARTMENT OF HIGHWAYS NOR A LOCAL AUTHORITY MAY 6 RESTRICT THE OPERATION OF VEHICLES CARRYING PERISHABLE 7 AGRICULTURAL SEEDS ON A PUBLIC HIGHWAY IF CERTAIN CONDITIONS 8 ARE MET; AND AMENDING SECTION 61-10-128, MCA."

9

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

Section 1. Section 61-10-128, MCA, is amended to read: "61-10-128. When authorities may restrict right to use roadway. (1) A Neither the department nor a local authority may not alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

17 (2) The department by order, or a local road authority by ordinance or resolution, may prohibit the operation of or 18 19 impose restrictions on the weight and speed of a vehicle 20 traveling on a public highway under its respective 21 jurisdiction and for which it is responsible for maintenance 22 whenever the highway will be seriously damaged or destroyed 23 by deterioration, rain, snow, or other climatic conditions, 24 unless the use of vehicles on the highway is prohibited or 25 the permissible vehicle weights and speed are reduced. The

department or the authority which enacts the ordinance or 1 2 resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end 3 of that portion of the highway affected, and the order or 4 5 ordinance or resolution is not effective until the signs are б erected. The department, or the authority by ordinance or 7 resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations on their weight 8 on designated highways, subject to the provisions of 9 subsection (3). These prohibitions and limitations shall be 10 11 designated by appropriate signs placed on the highways. 12 (3) Neither the department nor a local authority may prohibit the operation of or impose a restriction on the 13 weight of a vehicle loaded with perishable agricultural 14 seeds that is traveling on a public highway if: 15 (a) the vehicle is being operated within its licensed 16 gross vehicle weight; and 17 (b) the driver has in his possession a federal-state 18 19 inspection certificate issued for the load." 20 NEW SECTION. Section 2. Extension of authority Any existing authority of the department of highways to make 21 rules on the subject of the provisions of this act is 22 extended to the provisions of this act. 23

-End-

## -2- INTRODUCED BILL HB 161

Montana Legislative Council

LC 0614/01

#### 50th Legislature

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HB 0161/02

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#### APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

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2	INTRODUCED BY MEYERS, MERCER, PINSONEAULT, HARDING					
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5	THE DEPARTMENT OF HIGHWAYS NOR A LOCAL AUTHORITY MAY					
6	RESTRICT THE OPERATION OF VEHICLES CARRYING PERISHABLE					
7	AGRICULTURAL SEEDS ON A PUBLIC HIGHWAY IF CERTAIN CONDITIONS					
8	ARE MET; AND AMENDING SECTION 61-10-128, MCA; AND PROVIDING					
9	AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."					
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12	Section 1. Section 61-10-128, MCA, is amended to read:					
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14	roadway. (1) A Neither the department nor a local authority					
15	may <b>not</b> alter the limitations provided in 61-10-101 through					
16	61-10-110 or substitute other limitations or requirements,					
17	except as provided in this section.					
18	(2) The department by order, or a local road authority					
19	by ordinance or resolution, may prohibit the operation of or					
20	impose restrictions on the weight and speed of a vehicle					
21	traveling on a public highway under its respective					
22	jurisdiction and for which it is responsible for maintenance					
23	whenever the highway will be seriously damaged or destroyed					
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-2-



HB 161 SECOND READING

1 EFFECTIVE ON PASSAGE AND APPROVAL.

## 2 NEW SECTION. SECTION 4. TERMINATION. THIS ACT

3 TERMINATES JUNE 30, 1989.

-End-

-3- HB 161

ı HOUSE BILL NO. 161 1 2 INTRODUCED BY MEYERS, MERCER, PINSONEAULT, HARDING 2 3 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT NEITHER 4 . 5 THE DEPARTMENT OF HIGHWAYS NOR A LOCAL AUTHORITY MAY 5 RESTRICT THE OPERATION OF VEHICLES CARRYING PERISHABLE 6 6 AGRICULTURAL SEEDS ON A PUBLIC HIGHWAY IF CERTAIN CONDITIONS 7 7 ARE MET; AND AMENDING SECTION 61-10-128, MCA; AND PROVIDING 8 8 9 AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE." ۵ 10 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 61-10-128, MCA, is amended to read: 12 12 13 "61-10-128. When authorities may restrict right to use 13 14 roadway. (1) A Neither the department nor a local authority 14 15 may not alter the limitations provided in 61-10-101 through 15 16 61-10-110 or substitute other limitations or requirements, 16 17 except as provided in this section. 17 18 18 (2) The department by order, or a local road authority 19 by ordinance or resolution, may prohibit the operation of or 19 20 impose restrictions on the weight and speed of a vehicle 20 21 traveling on a public highway under its respective 21 22 jurisdiction and for which it is responsible for maintenance 22 23 whenever the highway will be seriously damaged or destroyed 23 24 by deterioration, rain, snow, or other climatic conditions. 24 25 unless the use of vehicles on the highway is prohibited or 25

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-2-

THIRD READING

HB 161

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1 EFFECTIVE ON PASSAGE AND APPROVAL.

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-End-

-3-

HB 161

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- 2 -

REFERENCE BILL

HB 161

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1 EFFECTIVE ON PASSAGE AND APPROVAL.

## 2 NEW SECTION. SECTION 4. TERMINATION. THIS ACT

3 TERMINATES JUNE 30, 1989.

-End-

# STANDING COMMITTEE REPORT

SENATE		March	19	
MR. PRESIDENT				
We, XAX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	fthecommi	ttee.on.H	ighway	s and Transportation
having had under considerationHouse	Bill			No. 161
blue reading copy ( third color	_ )			
NO RESTRICTION ON VEHICLE LOAD CONDITIONS.	) PERISHABLE	AG. SEED	UNDER	CERTAIN
Base of the second s	, Bill			161
Respectfully report as follows: That				No161
Senator Stimatz				
Senator Abrams				
ista have				
Senator Hofman				
- Jyleck				
Senator Lybeck				
AMENDMENT:				
<pre>1. Page 2, Line 17 Following: "its" Insert: "legal"</pre>				
AND AS AMENDED BE CONCURRED IN				
CKNAXS .				- 81
CKNNXXXXXXXX	S	sen n	ne	Chairman.