

IN THE HOUSE

APRIL 3, 1987

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.

1 HB BILL NO. 161
 2 INTRODUCED BY Al Meyers MARCOB Handberg
 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:

11 Section 1. Section 61-10-128, MCA, is amended to read:
 12 "61-10-128. When authorities may restrict right to use
 13 roadway. (1) Neither the department nor a local authority
 14 may not alter the limitations provided in 61-10-101 through
 15 61-10-110 or substitute other limitations or requirements,
 16 except as provided in this section.

17 (2) The department by order, or a local road authority
 18 by ordinance or resolution, may prohibit the operation of or
 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

1 department or the authority which enacts the ordinance or
 2 resolution shall erect signs designating the department's
 3 order or the authority's ordinance or resolution at each end
 4 of that portion of the highway affected, and the order or
 5 ordinance or resolution is not effective until the signs are
 6 erected. The department, or the authority by ordinance or
 7 resolution, may prohibit the operation of trucks or other
 8 commercial vehicles, or impose limitations on their weight
 9 on designated highways, subject to the provisions of
 10 subsection (3). These prohibitions and limitations shall be
 11 designated by appropriate signs placed on the highways.

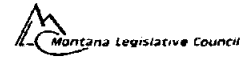
12 (3) Neither the department nor a local authority may
 13 prohibit the operation of or impose a restriction on the
 14 weight of a vehicle loaded with perishable agricultural
 15 seeds that is traveling on a public highway if:

16 (a) the vehicle is being operated within its licensed
 17 gross vehicle weight; and

18 (b) the driver has in his possession a federal-state
 19 inspection certificate issued for the load."

20 NEW SECTION. Section 2. Extension of authority. Any
 21 existing authority of the department of highways to make
 22 rules on the subject of the provisions of this act is
 23 extended to the provisions of this act.

-End-



-2- INTRODUCED BILL
 HB 161

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 161

2 INTRODUCED BY MEYERS, MERCER, PINSONEAULT, HARDING

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25 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS

HB 0161/02

- 1 EFFECTIVE ON PASSAGE AND APPROVAL.
- 2 NEW SECTION. SECTION 4. TERMINATION. THIS ACT
- 3 TERMINATES JUNE 30, 1989.

-End-

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HB 0161/03

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3 TERMINATES JUNE 30, 1989.

-End-

STANDING COMMITTEE REPORT

SENATE


March 19 19 87

MR. PRESIDENT

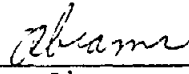
We ~~XXXXXX~~ the Minority of the committee on Highways and Transportation
having had under consideration.....House Bill..... No. 161.....
blue reading copy (third)
color

NO RESTRICTION ON VEHICLE LOAD PERISHABLE AG. SEED UNDER CERTAIN
CONDITIONS.

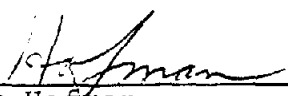
Respectfully report as follows: That..... House Bill..... No. 161.....



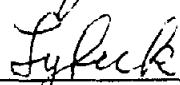
Senator Stimatz



Senator Abrams



Senator Hoffman



Senator Lybeck

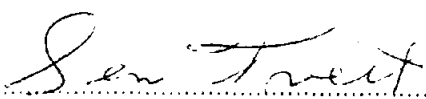
AMENDMENT:

- 1. Page 2, Line 17
Following: "its"
Insert: "legal"

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~


.....
Chairman.

2-20-87
9:35