

SB 166 INTRODUCED BY MCCALLUM
REQUIRING FLAPS OR ANTISAIL FLAPS ON REAR WHEELS OF
ALL VEHICLES

1/21 INTRODUCED
1/21 REFERRED TO HIGHWAYS & TRANSPORTATION
2/03 HEARING
2/05 TABLED IN COMMITTEE

1 Senate BILL NO. 166
 2 INTRODUCED BY McCallister
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING FLAPS OR
 5 ANTISAIL FLAPS ON THE REAR WHEELS OF ALL VEHICLES; AND
 6 AMENDING SECTION 61-9-407, MCA."

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

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

10 "61-9-407. Fenders, splash aprons, or flaps, or
 11 antisail flaps required on certain vehicles -- dimension and
 12 location. (1) It ~~shall be~~ is unlawful for any person to
 13 move, or permit to be moved, any ~~truck, bus, truck-tractor~~
 14 motor vehicle, trailer, or semitrailer, as defined in this
 15 title, upon the public highways without having first
 16 equipped the rearmost wheels or set of wheels of such the
 17 vehicle:

18 (a) if the vehicle is an automobile, with fenders, and
 19 splash aprons, or flaps;

20 (b) if the vehicle is a truck of rated capacity of
 21 1 1/2 tons or less, with splash aprons or flaps; or

22 (c) if the vehicle is a truck of more than 1 1/2 tons
 23 rated capacity or a bus, truck tractor, trailer, or
 24 semitrailer, with antisail flaps.

25 (2) Such fenders, splash aprons, or flaps, or antisail

1 flaps shall must be designed, constructed, and attached to
 2 the vehicle in such manner so as to arrest and deflect dirt,
 3 mud, water, rocks, and other substances which may be picked
 4 up by the rear wheels of such the vehicle and thrown into
 5 the air, as follows:

6 (a) If the vehicle is equipped with fenders, the same
 7 shall must extend in full width from a point above and
 8 forward of the center of the tire or tires over and to the
 9 rear thereof.

10 (b) If the vehicle is equipped with splash aprons, or
 11 flaps, or antisail flaps, the same shall must extend
 12 downward in full width from a point not lower than halfway
 13 between the center of the tire or tires and the top of said
 14 tire or tires and to the rear thereof.

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

20 (d) If the vehicle is 8,000 pounds or less gross
 21 vehicle weight such fenders, splash aprons, or flaps, or
 22 antisail flaps shall must extend downward to a point that is
 23 not more than 20 inches above the surface of the highway
 24 when the vehicle is empty.

25 ~~f2~~ (3) Fenders, splash aprons, or flaps, or antisail

1 flaps, as used in subsection subsections (1) and (2) of this
2 section, ~~shall--be--deemed-to-be~~ are of sufficient size and
3 construction as to comply with the requirements thereof, if
4 constructed as follows:

5 (a) when measured on the cross-sections of the tread
6 of the wheel or on the combined cross-sections of the treads
7 of multiple wheels, ~~such~~ the fender, splash apron, or flap,
8 or antisail flap extends at least to each side of the width
9 of the tire or of the combined width of the multiple tires,
10 as the case may be; and

11 (b) ~~such~~ the fender, splash apron, or flap, or
12 antisail flap is so constructed as to be capable at all
13 times of arresting and deflecting such dirt, mud, water, or
14 other substance as may be picked up and carried by such
15 wheel or wheels."

16 NEW SECTION. Section 2. Extension of authority. Any
17 existing authority of the department of justice to make
18 rules on the subject of the provisions of this act is
19 extended to the provisions of this act.

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