

HOUSE BILL NO. 419

INTRODUCED BY KOEHNKE, WESTLAKE, HANSON, DEMARS

IN THE HOUSE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
JANUARY 26, 1989	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 9, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 92; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 47; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 419
2 INTRODUCED BY Frederick
3 Westlake M. Hansen
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTAIN
5 COMMERCIAL VEHICLES HAULING HAY TO CARRY OVERSIZE LOADS;
6 AMENDING SECTION 61-10-102, MCA."
7

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

9 **Section 1.** Section 61-10-102, MCA, is amended to read:

10 "61-10-102. Width. (1) No Except as provided in
11 subsection (2), no vehicle, including a bus, unloaded or
12 with load, may have a total outside width in excess of 102
13 inches. This width for buses is allowed only on paved
14 highways 20 feet or more in width.

15 (2) (a) This restriction Subsection (1) does not apply
16 to an implement of husbandry or a vehicle used for hauling
17 hay, moved or propelled upon the highway during daylight
18 hours for a distance of not more than 100 miles if the
19 movement is incidental to the farming operations of the
20 owner of the implement of husbandry or the vehicle used for
21 hauling hay. If the implement or vehicle has a width in
22 excess of is more than 12 feet wide, it shall must be
23 preceded by flagman escorts for the purpose of warning to
24 warn other highway users. This restriction does not apply to
25 dual-wheel tractors under 15 feet overall width which that

1 are used in farming operations. The Lights which meet the
2 requirements of 61-9-219(4) must be displayed on the rear of
3 the implement of husbandry or vehicle used for hauling hay
4 shall properly display lights which meet the standard
5 requirements of 61-9-219. However, if the highway passes
6 through a hazardous area, the implements or vehicles must be
7 preceded and followed by flagman escorts.

8 (b) A commercial vehicle that is hauling hay but does
9 not qualify under subsection (2)(a) must be granted a permit
10 subject to the provisions of 61-10-121 through 61-10-127 and
11 the following requirements:

12 (i) travel during daylight hours only for an oversize
13 shipment of large round bales of hay, whether the vehicle is
14 loaded or with an empty hay rack, up to 144 inches; when
15 empty, a square red or orange flag measuring 12 inches on
16 each side must be attached to each corner of the hay rack;
17 and

18 (ii) travel day or night for any other shipment of
19 baled hay, whether the vehicle is loaded or with an empty
20 hay rack, up to 120 inches.

21 (3) A safety device that the highway patrol division
22 department determines by rule adopted pursuant to 61-9-504
23 to be necessary for safe and efficient operation of motor
24 vehicles is not included in the calculation of width
25 provided in subsection (1)."

LC 1187/01

1 NEW SECTION. **Section 2.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB419, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing certain commercial vehicles hauling hay to carry oversize loads; amending section 61-10-102, MCA.

FISCAL IMPACT: None.

Ray Shackelford 2/1/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Francis Koehnke 2/2/89
FRANCIS KOEHNKE, PRIMARY SPONSOR DATE
Fiscal Note for HB419, as introduced
HB 419

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 419

INTRODUCED BY KOEHNKE, WESTLAKE, HANSON, DEMARS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CERTAIN
COMMERCIAL VEHICLES HAULING HAY TO CARRY OVERSIZE LOADS;
AMENDING SECTION 61-10-102, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

Section 1. Section 61-10-102, MCA, is amended to read:

"61-10-102. Width. (1) No Except as provided in
subsection (2), no vehicle, including a bus, unloaded or
with load, may have a total outside width in excess of 102
inches. This width for buses is allowed only on paved
highways 20 feet or more in width.

(2) (a) This restriction Subsection (1) does not apply
to an implement of husbandry or a vehicle used for hauling
hay, moved or propelled upon the highway during daylight
hours for a distance of not more than 100 miles if the
movement is incidental to the farming operations of the
owner of the implement of husbandry or the vehicle used for
hauling hay. If the implement or vehicle ~~has a width in~~
~~excess of~~ is more than 12 feet wide, it ~~shall~~ must be
preceded by flagman escorts ~~for the purpose of warning to~~
warn other highway users. This restriction does not apply to

dual-wheel tractors under 15 feet overall width which that
are used in farming operations. The Lights which meet the
requirements of 61-9-219(4) must be displayed on the rear of
the implement of husbandry or vehicle used for hauling hay
~~shall properly display lights which meet the standard~~
~~requirements of 61-9-219~~. However, if the highway passes
through a hazardous area, the implements or vehicles must be
preceded and followed by flagman escorts.

(b) A commercial vehicle that is hauling hay but does
not qualify under subsection (2)(a) must MAY be granted a
permit subject to the provisions of 61-10-121 through
61-10-127 and the following requirements:

(i) travel during daylight hours only for an oversize
shipment of large round bales of hay, whether the vehicle is
loaded or with an empty hay rack, up to 144 inches; when
empty, a square red or orange flag measuring 12 inches on
each side must be attached to each corner of the hay rack;
and

(ii) travel day or night for any other shipment of
baled hay, whether the vehicle is loaded or with an empty
hay rack, up to 120 114 inches.

(3) A safety device that the highway patrol division
department determines by rule adopted pursuant to 61-9-504
to be necessary for safe and efficient operation of motor
vehicles is not included in the calculation of width

1 provided in subsection (1)."

2 NEW SECTION. Section 2. Extension of authority. Any
3 existing authority to make rules on the subject of the
4 provisions of [this act] is extended to the provisions of
5 [this act].

6 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
7 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

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HB 0419/02

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HB 0419/02

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