

SENATE BILL NO. 57
INTRODUCED BY JENKINS

IN THE SENATE

JANUARY 3, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
JANUARY 12, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. STATEMENT OF INTENT ADOPTED.
JANUARY 13, 1989	PRINTING REPORT.
JANUARY 14, 1989	SECOND READING, DO PASS.
JANUARY 16, 1989	ENGROSSING REPORT.
JANUARY 17, 1989	THIRD READING, PASSED. AYES, 44; NOES, 6. TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 1, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	SECOND READING, CONCURRED IN.
MARCH 6, 1989	THIRD READING, CONCURRED IN. AYES, 92; NOES, 1. RETURNED TO SENATE.

IN THE SENATE

MARCH 7, 1989	RECEIVED FROM HOUSE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 57
2 INTRODUCED BY Sen. G. H. ...
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CUSTOM
5 COMBINER'S SPECIAL PERMIT FEE; MAKING PURCHASE OF A SPECIAL
6 PERMIT DISCRETIONARY FOR NONRESIDENTS; INCLUDING OVERLENGTH
7 VEHICLES IN THE SPECIAL PERMIT; ESTABLISHING OVERWEIGHT
8 TOLERANCES FOR CERTAIN VEHICLES INCLUDED IN THE SPECIAL
9 PERMIT; ELIMINATING THE PENALTY; AMENDING SECTION
10 15-24-1001, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
11

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

13 **Section 1.** Section 15-24-1001, MCA, is amended to
14 read:

15 "15-24-1001. Custom combiner's tax special permit --
16 fee -- collection -- distribution -- not transferable. (1)
17 In lieu of the taxes required by 15-24-301 and in lieu of
18 motor vehicle license fees, gross vehicle weight fees, and
19 overwidth, overlength, and overheight permits provided for
20 in Title 61, a nonresident engaged in the business of custom
21 combining who brings equipment into the state ~~shall~~ may pay
22 a special permit fee of \$40 per unit. A unit shall include:

- 23 (a) one truck suitable for hauling grain;
24 (b) one header trailer or one combine trailer; and
25 (c) pickup trucks and all other equipment, except

1 combines, used by a nonresident and brought into the state
2 as part of his business of custom combining.

3 (2) In lieu of gross vehicle weight fees and
4 overwidth, overlength, and overheight permits, Montana
5 residents engaged in the business of custom combining may
6 pay the annual farm gross vehicle weight fees and a special
7 permit fee of \$20 per unit. A unit includes:

- 8 (a) one truck suitable for hauling grain;
9 (b) one header trailer or one combine trailer; and
10 (c) pickup trucks used by the resident in his business
11 of custom combining.

12 (3) When used to transport agricultural products, a
13 truck authorized to be used under a custom combiner's
14 special permit may be operated only within a 50-mile radius
15 from the harvested field to the point of first unloading.
16 The truck may not haul agricultural products from one
17 commercial elevator to another commercial elevator. The
18 truck may be operated on any highway, except a highway that
19 is part of the federal-aid interstate system, without
20 incurring excess weight penalties under 61-10-145 if the
21 total gross weight of the truck does not exceed allowable
22 weight limitations by more than 20% per axle and the maximum
23 load per inch of tire width does not exceed 670 pounds. The
24 truck may not be operated in excess of 40 miles per hour. No
25 trip permit is required.

(4) A combine trailer authorized to be used under subsections (1)(b) or (2)(b) may be operated under the same limitations and within the same tolerances granted trucks under subsection (3), except that the 50-mile limitation does not apply and the combine trailer may be used upon any highway of the state, including a highway that is part of the federal-aid interstate system.

(3)(5) The fee required by this section must be collected by the department of highways. Upon payment of the fee, the department of highways must provide an identifying device to be displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident or resident in his business of custom combining in the state, which device is valid for the calendar year in which the fee is collected.

(4)(6) All fees collected under this section must be distributed not later than January 31 immediately following the period of license as follows: 62 1/2% to the county general fund in the county in which the permittee declares the greatest amount of time will be spent to operate, 37 1/2% to the state special revenue fund for the department of highways.

(5)(7) The identifying devices and fee paid for each unit are not transferable from one vehicle to another or transferable on the sale or change of ownership.

~~(6) Any owner or operator of any equipment included in the unit definition in subsection (1) or (2) of this section who violates any provision of this section is guilty of a misdemeanor and punishable by a fine of not more than \$300 or by a sentence of not more than 60 days in the county jail, or both.~~

(8) The department of highways may adopt rules, as provided in Title 2, chapter 4, to implement the provisions of this section."

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

Section 3. Codification instruction. Section 15-24-1001 is intended to be renumbered and codified by the code commissioner as an integral part of Title 61, chapter 10, part 1, and the provisions of Title 61, chapter 10, part 1, apply to 15-24-1001.

Section 4. Effective date. [This act] is effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

STATEMENT OF INTENT

SENATE BILL 57

Senate Agriculture, Livestock, and Irrigation Committee

This bill requires a statement of intent because [subsection (8) of section 1] authorizes the department of highways to adopt administrative rules to implement the act. The act is intended to provide a special permit fee for the vehicles and equipment of custom combiners operating in the state, in lieu of the usual vehicle license fees and gross vehicle weight, overwidth, overlength, and overheight fees otherwise required. The custom combiner has the option of paying the regular fees.

The act also permits the use of the custom combiner's truck or trailer to haul grain, but only from the field to the point of first unloading, within certain limitations. This authority is given so that the combiner may assist the producer in getting the harvested grain out of the field and is not intended to allow transportation of the grain in commerce.

It is the intent of the legislature that the department of highways adopt necessary rules to implement the custom combiner's special permit and to regulate the operation of the vehicles involved in conformity with the act and special permit requirements.

SECOND READING
SB57

SENATE BILL NO. 57

INTRODUCED BY JENKINS

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CUSTOM COMBINER'S SPECIAL PERMIT FEE; MAKING PURCHASE OF A SPECIAL PERMIT DISCRETIONARY FOR NONRESIDENTS; INCLUDING OVERLENGTH VEHICLES IN THE SPECIAL PERMIT; ESTABLISHING OVERWEIGHT TOLERANCES FOR CERTAIN VEHICLES INCLUDED IN THE SPECIAL PERMIT; ~~ELIMINATING~~ REVISING THE PENALTY; AMENDING SECTION 15-24-1001, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 15-24-1001, MCA, is amended to read:

"15-24-1001. Custom combiner's tax special permit -- fee -- collection -- distribution -- not transferable. (1) In lieu of the taxes required by 15-24-301 and in lieu of motor vehicle license fees, gross vehicle weight fees, and overwidth, overlength, and overheight permits provided for in Title 61, a nonresident engaged in the business of custom combining who brings equipment into the state ~~shall~~ may pay a special permit fee of \$40 per unit. A unit shall include:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks and all other equipment, except

combines, used by a nonresident and brought into the state as part of his business of custom combining.

(2) In lieu of gross vehicle weight fees and overwidth, overlength, and overheight permits, Montana residents engaged in the business of custom combining may pay the annual farm gross vehicle weight fees and a special permit fee of \$20 per unit. A unit includes:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks used by the resident in his business of custom combining.

(3) When used to transport agricultural products, a truck authorized to be used under a custom combiner's special permit may be operated only within a 50-mile radius from the harvested field to the point of first unloading. The truck may not haul agricultural products from one commercial elevator to another commercial elevator. The truck may be operated on any highway, except a highway that is part of the federal-aid interstate system, without incurring excess weight penalties under 61-10-145 if the total gross weight of the truck does not exceed allowable weight limitations by more than 20% per axle and the maximum load per inch of tire width does not exceed 670 pounds. The truck may not be operated in excess of 40 miles per hour. No trip permit is required. IF THE TRUCK EXCEEDS THE TOLERANCE

PROVIDED UNDER THIS SUBSECTION, THE FINE OR PENALTY IMPOSED APPLIES TO ALL WEIGHT OVER THE LEGAL LIMIT ALLOWED BY 61-10-107.

(4) A combine trailer authorized to be used under subsections (1)(b) or (2)(b) may be operated under the same limitations and UNTIL JULY 1, 1991, MAY BE OPERATED within the same tolerances granted trucks under subsection (3), except that the 50-mile limitation does not apply and the combine trailer may be used upon any highway of the state, including a highway that is part of the federal-aid interstate system. IF THE COMBINE TRAILER EXCEEDS THE TOLERANCE PROVIDED UNDER SUBSECTION (3), THE FINE OR PENALTY IMPOSED APPLIES TO ALL WEIGHT OVER THE LEGAL LIMIT ALLOWED BY 61-10-107.

(3)(5) The fee required by this section must be collected by the department of highways. Upon payment of the fee, the department of highways must provide an identifying device to be displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident or resident in his business of custom combining in the state, which device is valid for the calendar year in which the fee is collected.

(4)(6) All fees collected under this section must be distributed not later than January 31 immediately following the period of license as follows: 62 1/2% to the county

general fund in the county in which the permittee declares the greatest amount of time will be spent to operate, 37 1/2% to the state special revenue fund for the department of highways.

(5)(7) The identifying devices and fee paid for each unit are not transferable from one vehicle to another or transferable on the sale or change of ownership.

(6)--Any owner or operator of any equipment included in the unit definition in subsection (1) or (2) of this section who violates any provision of this section is guilty of a misdemeanor and punishable by a fine of not more than \$300 or by a sentence of not more than 60 days in the county jail or both.

(8) The department of highways may adopt rules, as provided in Title 2, chapter 4, to implement the provisions of this section."

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

NEW SECTION. Section 3. Codification instruction. Section 15-24-1001 is intended to be renumbered and codified by the code commissioner as an integral part of Title 61, chapter 10, part 1, and the provisions of Title 61, chapter 10, part 1, apply to 15-24-1001.

SB 0057/02

1 NEW SECTION. **Section 4.** **Effective date.** [This act] is
2 effective on passage and approval.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 57

3 Senate Agriculture, Livestock, and Irrigation Committee
4

5 This bill requires a statement of intent because
6 [subsection (8) of section 1] authorizes the department of
7 highways to adopt administrative rules to implement the act.
8 The act is intended to provide a special permit fee for the
9 vehicles and equipment of custom combiners operating in the
10 state, in lieu of the usual vehicle license fees and gross
11 vehicle weight, overwidth, overlength, and overheight fees
12 otherwise required. The custom combiner has the option of
13 paying the regular fees.

14 The act also permits the use of the custom combiner's
15 truck or trailer to haul grain, but only from the field to
16 the point of first unloading, within certain limitations.
17 This authority is given so that the combiner may assist the
18 producer in getting the harvested grain out of the field and
19 is not intended to allow transportation of the grain in
20 commerce.

21 It is the intent of the legislature that the department
22 of highways adopt necessary rules to implement the custom
23 combiner's special permit and to regulate the operation of
24 the vehicles involved in conformity with the act and special
25 permit requirements.

THIRD READING

SB57

SENATE BILL NO. 57

INTRODUCED BY JENKINS

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE CUSTOM COMBINER'S SPECIAL PERMIT FEE; MAKING PURCHASE OF A SPECIAL PERMIT DISCRETIONARY FOR NONRESIDENTS; INCLUDING OVERLENGTH VEHICLES IN THE SPECIAL PERMIT; ESTABLISHING OVERWEIGHT TOLERANCES FOR CERTAIN VEHICLES INCLUDED IN THE SPECIAL PERMIT; ~~ELIMINATING~~ REVISING THE PENALTY; AMENDING SECTION 15-24-1001, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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Section 1. Section 15-24-1001, MCA, is amended to read:

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- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks and all other equipment, except

combines, used by a nonresident and brought into the state as part of his business of custom combining.

(2) In lieu of gross vehicle weight fees and overwidth, overlength, and overheight permits, Montana residents engaged in the business of custom combining may pay the annual farm gross vehicle weight fees and a special permit fee of \$20 per unit. A unit includes:

- (a) one truck suitable for hauling grain;
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- (c) pickup trucks used by the resident in his business of custom combining.

(3) When used to transport agricultural products, a truck authorized to be used under a custom combiner's special permit may be operated only within a 50-mile radius from the harvested field to the point of first unloading. The truck may not haul agricultural products from one commercial elevator to another commercial elevator. The truck may be operated on any highway, except a highway that is part of the federal-aid interstate system, without incurring excess weight penalties under 61-10-145 if the total gross weight of the truck does not exceed allowable weight limitations by more than 20% per axle and the maximum load per inch of tire width does not exceed 670 pounds. The truck may not be operated in excess of 40 miles per hour. No trip permit is required. IF THE TRUCK EXCEEDS THE TOLERANCE

PROVIDED UNDER THIS SUBSECTION, THE FINE OR PENALTY IMPOSED APPLIES TO ALL WEIGHT OVER THE LEGAL LIMIT ALLOWED BY 61-10-107.

(4) A combine trailer authorized to be used under subsections (1)(b) or (2)(b) may be operated under the same limitations and UNTIL JULY 1, 1991, MAY BE OPERATED within the same tolerances granted trucks under subsection (3), except that the 50-mile limitation does not apply and the combine trailer may be used upon any highway of the state, including a highway that is part of the federal-aid interstate system. IF THE COMBINE TRAILER EXCEEDS THE TOLERANCE PROVIDED UNDER SUBSECTION (3), THE FINE OR PENALTY IMPOSED APPLIES TO ALL WEIGHT OVER THE LEGAL LIMIT ALLOWED BY 61-10-107.

~~(3)~~(5) The fee required by this section must be collected by the department of highways. Upon payment of the fee, the department of highways must provide an identifying device to be displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident or resident in his business of custom combining in the state, which device is valid for the calendar year in which the fee is collected.

~~(4)~~(6) All fees collected under this section must be distributed not later than January 31 immediately following the period of license as follows: 62 1/2% to the county

general fund in the county in which the permittee declares the greatest amount of time will be spent to operate, 37 1/2% to the state special revenue fund for the department of highways.

~~(5)~~(7) The identifying devices and fee paid for each unit are not transferable from one vehicle to another or transferable on the sale or change of ownership.

~~(6)--Any owner or operator of any equipment included in the unit definition in subsection (1) or (2) of this section who violates any provision of this section is guilty of a misdemeanor and punishable by a fine of not more than \$300 or by a sentence of not more than 60 days in the county jail, or both.~~

(8) The department of highways may adopt rules, as provided in Title 2, chapter 4, to implement the provisions of this section."

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

NEW SECTION. Section 3. Codification instruction. Section 15-24-1001 is intended to be renumbered and codified by the code commissioner as an integral part of Title 61, chapter 10, part 1, and the provisions of Title 61, chapter 10, part 1, apply to 15-24-1001.

SB 0057/02

1 NEW SECTION. **Section 4.** **Effective date.** [This act] is
2 effective on passage and approval.

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2 INTRODUCED BY JENKINS

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11 STATEMENT OF INTENT

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15 highways to adopt administrative rules to implement the act.
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18 state, in lieu of the usual vehicle license fees and gross
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21 paying the regular fees.

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23 truck or trailer to haul grain, but only from the field to
24 the point of first unloading, within certain limitations.
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1 producer in getting the harvested grain out of the field and
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3 commerce.

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17 overwidth, overlength, and overheight permits provided for
18 in Title 61, a nonresident engaged in the business of custom
19 combining who brings equipment into the state shall may pay
20 a special permit fee of \$40 per unit. A unit shall include:

- 21 (a) one truck suitable for hauling grain;
22 (b) one header trailer or one combine trailer; and
23 (c) pickup trucks and all other equipment, except
24 combines, used by a nonresident and brought into the state
25 as part of his business of custom combining.

1 (2) In lieu of gross vehicle weight fees and
 2 overwidth, overlength, and overheight permits, Montana
 3 residents engaged in the business of custom combining may
 4 pay the annual farm gross vehicle weight fees and a special
 5 permit fee of \$20 per unit. A unit includes:

- 6 (a) one truck suitable for hauling grain;
- 7 (b) one header trailer or one combine trailer; and
- 8 (c) pickup trucks used by the resident in his business
- 9 of custom combining.

10 (3) When used to transport agricultural products, a
 11 truck authorized to be used under a custom combiner's
 12 special permit may be operated only within a 50-mile radius
 13 from the harvested field to the point of first unloading.
 14 The truck may not haul agricultural products from one
 15 commercial elevator to another commercial elevator. The
 16 truck may be operated on any highway, except a highway that
 17 is part of the federal-aid interstate system, without
 18 incurring excess weight penalties under 61-10-145 if the
 19 total gross weight of the truck does not exceed allowable
 20 weight limitations by more than 20% per axle and the maximum
 21 load per inch of tire width does not exceed 670 pounds. The
 22 truck may not be operated in excess of 40 miles per hour. No
 23 trip permit is required. IF THE TRUCK EXCEEDS THE TOLERANCE
 24 PROVIDED UNDER THIS SUBSECTION, THE FINE OR PENALTY IMPOSED
 25 APPLIES TO ALL WEIGHT OVER THE LEGAL LIMIT ALLOWED BY

1 61-10-107.

2 (4) A combine trailer authorized to be used under
 3 subsections (1)(b) or (2)(b) may be operated under the same
 4 limitations and UNTIL JULY 1, 1991, MAY BE OPERATED within
 5 the same tolerances granted trucks under subsection (3),
 6 except that the 50-mile limitation does not apply and the
 7 combine trailer may be used upon any highway of the state,
 8 including a highway that is part of the federal-aid
 9 interstate system. IF THE COMBINE TRAILER EXCEEDS THE
 10 TOLERANCE PROVIDED UNDER SUBSECTION (3), THE FINE OR PENALTY
 11 IMPOSED APPLIES TO ALL WEIGHT OVER THE LEGAL LIMIT ALLOWED
 12 BY 61-10-107.

13 (5) The fee required by this section must be
 14 collected by the department of highways. Upon payment of the
 15 fee, the department of highways must provide an identifying
 16 device to be displayed on each truck, header trailer, or
 17 combine trailer and other equipment used by the nonresident
 18 or resident in his business of custom combining in the
 19 state, which device is valid for the calendar year in which
 20 the fee is collected.

21 (6) All fees collected under this section must be
 22 distributed not later than January 31 immediately following
 23 the period of license as follows: 62 1/2% to the county
 24 general fund in the county in which the permittee declares
 25 the greatest amount of time will be spent to operate,

1 37 1/2% to the state special revenue fund for the department
2 of highways.

3 ~~{5}~~(7) The identifying devices and fee paid for each
4 unit are not transferable from one vehicle to another or
5 transferable on the sale or change of ownership.

6 ~~{6}--Any owner or operator of any equipment included in~~
7 ~~the unit definition in subsection {1} or {2} of this section~~
8 ~~who violates any provision of this section is guilty of a~~
9 ~~misdemeanor and punishable by a fine of not more than \$300~~
10 ~~or by a sentence of not more than 60 days in the county~~
11 ~~jail, or both.~~

12 {8} The department of highways may adopt rules, as
13 provided in Title 2, chapter 4, to implement the provisions
14 of this section."

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

19 NEW SECTION. Section 3. Codification instruction.
20 Section 15-24-1001 is intended to be renumbered and codified
21 by the code commissioner as an integral part of Title 61,
22 chapter 10, part 1, and the provisions of Title 61, chapter
23 10, part 1, apply to 15-24-1001.

24 NEW SECTION. Section 4. Effective date. [This act] is
25 effective on passage and approval.

-End-

-5-

SB 57