

SENATE BILL NO. 73  
INTRODUCED BY MEYER, CAMPBELL  
BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE SENATE

JANUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
JANUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 19, 1989	PRINTING REPORT.
JANUARY 20, 1989	SECOND READING, DO PASS.
JANUARY 21, 1989	ENGROSSING REPORT.
JANUARY 23, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 24, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.
MARCH 11, 1989	THIRD READING, CONCURRED IN. AYES, 92; NOES, 0.
	RETURNED TO SENATE.

MARCH 13, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

BILL NO. 73INTRODUCED BY Donna Meyer Campbell

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT; AND AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA."

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

**Section 1.** Section 61-10-107, MCA, is amended to read:

"61-10-107. (Temporary) Maximum gross weight -- when permit required. (1) An axle may not carry a load in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches apart may carry a load in excess of 34,000 pounds. For purposes of this section, axles 40 inches or less apart are considered as a single axle. A vehicle or combination may not have more than nine axles. The maximum gross weight allowed on a vehicle, group of axles, or combination of vehicles shall be determined by the formula:  $W = 500 - (5N/N - 1) + 12N + 36$

$$W = 500((LN/(N - 1)) + 12N + 36)$$

in which W equals gross weight, L equals wheel base in feet, and N equals number of axles, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last

axles of such consecutive sets of tandem axles is 36 feet or more.

(2) Notwithstanding a vehicle's conformance with the requirements of subsection (1), its maximum load per inch of tire width, excluding the steering axle, may not exceed 600 pounds, based on the table in 61-10-105(3).

(3) If the gross weight of a vehicle or combination exceeds 80,000 pounds, the vehicle or combination must have a special permit, which may be issued in the discretion of the department of highways based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation. The fee shall be \$20 per trip permit or \$100 per term permit. A term permit may not be issued for a period of time greater than the period for which the GVW license is valid. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. Permits may specify and permits issued under 61-10-124(4) must specify highway routing.

(4) A special permit issued under subsection (3) for the transportation of agricultural products by farm vehicles from a harvesting combine or other harvesting machinery to the point of first unloading shall be for the full term of the harvest season of the agricultural product transported.

(5) This section does not apply to highways which are

1 a part of the national system of interstate and defense  
2 highways (as referred to in 23 U.S.C. 127) when application  
3 of this section would prevent this state from receiving  
4 federal funds for highway purposes.

5 61-10-107. (Effective July 1, 1989) Maximum gross  
6 weight -- when permit required. (1) An axle may not carry a  
7 load in excess of 20,000 pounds, and no two consecutive  
8 axles more than 40 inches or less than 96 inches apart may  
9 carry a load in excess of 34,000 pounds. For purposes of  
10 this section, axles 40 inches or less apart are considered  
11 as a single axle. A vehicle or combination may not have  
12 more than nine axles. The maximum gross weight allowed on a  
13 vehicle, group of axles, or combination of vehicles shall be  
14 determined by the formula:  $W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$   
15

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

16 in which W equals gross weight, L equals wheel base in feet,  
17 and N equals number of axles, except that two consecutive  
18 sets of tandem axles may carry a gross load of 34,000 pounds  
19 each if the overall distance between the first and last  
20 axles of such consecutive sets of tandem axles is 36 feet or  
21 more.  
22

23 (2) Notwithstanding a vehicle's conformance with the  
24 requirements of subsection (1), its maximum load per inch of  
25 tire width, excluding the steering axle, may not exceed 600

1 pounds, based on the table in 61-10-105(3).

2 (3) If the gross weight of a vehicle or combination  
3 exceeds 80,000 pounds, the vehicle or combination must have  
4 a special permit, which may be issued in the discretion of  
5 the department of highways based on evaluation of safety,  
6 highway capacity, and economics of highway maintenance and  
7 vehicle operation. The fee shall be \$20 per trip permit or  
8 \$100 per term permit. A term permit may not be issued for a  
9 period of time greater than the period for which the GVW  
10 license is valid. Owners of vehicles licensed in other  
11 jurisdictions may, at the discretion of the department,  
12 purchase permits to expire with their registration. Permits  
13 may specify highway routing.

14 (4) A special permit issued under subsection (3) for  
15 the transportation of agricultural products by farm vehicles  
16 from a harvesting combine or other harvesting machinery to  
17 the point of first unloading shall be for the full term of  
18 the harvest season of the agricultural product transported.

19 (5) This section does not apply to highways which are  
20 a part of the national system of interstate and defense  
21 highways (as referred to in 23 U.S.C. 127) when application  
22 of this section would prevent this state from receiving  
23 federal funds for highway purposes."

24 **Section 2.** Section 61-10-1101, MCA, is amended to  
25 read:

1 "61-10-1101. Multistate Highway Transportation  
2 Agreement -- enactment and text. The Multistate Highway  
3 Transportation Agreement is hereby enacted into law and  
4 entered into with all other jurisdictions legally joining  
5 therein in the form substantially as follows:

6 MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

7 Pursuant to and in conformity with the laws of their  
8 respective jurisdictions, the participating jurisdictions,  
9 acting by and through their officials lawfully authorized to  
10 execute this agreement, do mutually agree as follows:

11 Article I. Findings and Purposes

12 Section 1. Findings. The participating jurisdictions  
13 find that:

14 (a) the expanding regional economy depends on  
15 expanding transportation capacity;

16 (b) highway transportation is the major mode for  
17 movement of people and goods in the western states;

18 (c) uniform application in the West of more adequate  
19 vehicle size and weight standards will result in a reduction  
20 of pollution, congestion, fuel consumption, and related  
21 transportation costs, which are necessary to permit  
22 increased productivity;

23 (d) a number of western states, already having adopted  
24 substantially the 1964 bureau of public roads recommended  
25 vehicle size and weight standards, still find current

1 federal limits more restrictive;

2 (e) the 1974 revision of federal law (23 U.S.C. 127)  
3 did not contain any substantial improvements for vehicle  
4 size and weight standards in the western states and deprives  
5 states of interstate matching money if vehicle weights and  
6 widths are increased, even though the interstate system is  
7 nearly 92% complete; and

8 (f) the participating jurisdictions are most capable  
9 of developing vehicle size and weight standards most  
10 appropriate for the regional economy and transportation  
11 requirements, consistent with and in recognition of  
12 principles of highway safety.

13 Section 2. Purposes. The purposes of this agreement  
14 are to:

15 (a) adhere to the principle that each participating  
16 jurisdiction should have the freedom to develop vehicle size  
17 and weight standards that it determines to be most  
18 appropriate to its economy and highway system;

19 (b) establish a system authorizing the operation of  
20 vehicles traveling between two or more participating  
21 jurisdictions at more adequate size and weight standards;

22 (c) promote uniformity among participating  
23 jurisdictions in vehicle size and weight standards on the  
24 basis of the objectives set forth in this agreement;

25 (d) secure uniformity, insofar as possible, of

1 administrative procedures in the enforcement of recommended  
2 vehicle size and weight standards;

3 (e) provide means for the encouragement and  
4 utilization of research that will facilitate the achievement  
5 of the foregoing purposes, with due regard for the findings  
6 set forth in section 1 of this article.

7 Article II. Definitions

8 Section 1. As used in this agreement:

9 (a) "designated representative" means a legislator or  
10 other person authorized to represent the jurisdiction;

11 (b) "jurisdiction" means a state of the United States  
12 or the District of Columbia;

13 (c) "vehicle" means any vehicle as defined by statute  
14 to be subject to size and weight standards that operates in  
15 two or more participating jurisdictions.

16 Article III. General Provisions

17 Section 1. Qualifications for membership.  
18 Participation in this agreement is open to jurisdictions  
19 that subscribe to the findings, purposes, and objectives of  
20 this agreement and will seek legislation necessary to  
21 accomplish these objectives.

22 Section 2. Cooperation. The participating  
23 jurisdictions, working through their designated  
24 representatives, shall cooperate and assist each other in  
25 achieving the desired goals of this agreement pursuant to

1 appropriate statutory authority.

2 Section 3. Effect of headings. Article and section  
3 headings contained herein may not be considered to govern,  
4 limit, modify, or in any manner affect the scope, meaning,  
5 or intent of the provisions of any article or section  
6 hereof.

7 Section 4. Vehicle laws and regulations. This  
8 agreement does not authorize the operation of a vehicle in  
9 any participating jurisdiction contrary to the laws or  
10 regulations thereof.

11 Section 5. Interpretation. The final decision  
12 regarding interpretation of questions at issue relating to  
13 this agreement shall be reached by unanimous joint action of  
14 the participating jurisdictions, acting through the  
15 designated representatives. Results of all such actions  
16 shall be placed in writing.

17 Section 6. Amendment. This agreement may be amended by  
18 unanimous joint action of the participating jurisdictions,  
19 acting through the officials thereof authorized to enter  
20 into this agreement, subject to the requirements of section  
21 4, Article III. Any amendment shall be placed in writing  
22 and become a part hereof.

23 Section 7. Restrictions, conditions, or limitations.  
24 Any jurisdiction entering this agreement shall provide each  
25 other participating jurisdiction with a list of any

1 restriction, condition, or limitation on the general terms  
2 of this agreement, if any.

3 Section 8. Additional jurisdictions. Additional  
4 jurisdictions may become members of this agreement by  
5 signing and accepting the terms of the agreement.

#### 6 Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the  
8 designated representatives of the participating  
9 jurisdictions shall constitute a committee that shall have  
10 the power to:

11 (a) collect, correlate, analyze, and evaluate  
12 information resulting or derivable from research and testing  
13 activities in relation to vehicle size and weight related  
14 matters;

15 (b) recommend and encourage the undertaking of  
16 research and testing in any aspect of vehicle size and  
17 weight or related matter when, in their collective judgment,  
18 appropriate or sufficient research or testing has not been  
19 undertaken;

20 (c) recommend changes in law or policy with emphasis  
21 on compatibility of laws and uniformity of administrative  
22 rules that would promote effective governmental action or  
23 coordination in the field of vehicle size and weight related  
24 matters.

25 Section 2. Each participating jurisdiction shall be

1 entitled to one vote only. No action of the committee shall  
2 be binding unless a majority of the total number of votes  
3 cast by participating jurisdictions are in favor thereof.

4 Section 3. The committee shall meet at least once  
5 annually and shall elect, from among its members, a  
6 chairman, a vice-chairman, and a secretary.

7 Section 4. The committee shall submit annually to the  
8 legislature of each participating jurisdiction, no later  
9 than November 1, a report setting forth the work of the  
10 committee during the preceding year and including  
11 recommendations developed by the committee. The committee  
12 may submit such additional reports as it considers  
13 appropriate or desirable. Copies of all such reports shall  
14 be made available to the transportation committee of the  
15 western conference, council of state governments, and to the  
16 western association of state highway and transportation  
17 officials.

#### 18 Article V. Objectives of the 19 Participating Jurisdictions

20 Section 1. Objectives. The participating jurisdictions  
21 hereby declare that:

22 (a) it is the objective of the participating  
23 jurisdictions to obtain more efficient and more economical  
24 transportation by motor vehicles between and among the  
25 participating jurisdictions by encouraging the adoption of

standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight not in excess of 20,000 pounds, a tandem-axle weight not in excess of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

$$W = 500((LN/(N - 1)) + 12N + 36)$$

where

W = maximum weight in pounds carried on any group of two or computed to nearest 500 pounds;

L = distance in feet between the extremes of any group of two or more consecutive axles;

N = number of axles in group under consideration;

(b) it is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, Title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction that could legally issue such permits prior to July 1, 1956, provided all regulations and

procedures related to such issuance in effect as of July 1, 1956, are adhered to;

(c) the objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected;

(d) it is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including but not limited to the development of uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such



other matters as may be pertinent;

(e) in recognition of the limited prospects of federal revision of section 127, Title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement and specifically of the vehicle size and weight standards set forth in subsection (a) of this section;

(f) in recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis and further that procedures adopted under this agreement be compatible with national standards.

#### Article VI. Entry Into Force and Withdrawal

Section 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, Article III.

Section 2. Any participating jurisdiction may withdraw from this agreement by canceling the same but no such withdrawal shall take effect until 30 days after the

designated representative of the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

#### Article VII. Construction and Severability

Section 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

Section 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

#### Article VIII. Filing of Documents

Section 1. A copy of this agreement, its amendments, and rules promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

#### Article IX. Existing Statutes Not Repealed

Section 1. All existing statutes prescribing weight

LC .0290/01

1 and size standards and all existing statutes relating to  
2 special permits shall continue to be of force and effect  
3 until amended or repealed by law.

4 Article X. State Government Departments

5 Authorized to Cooperate With Cooperating Committee

6 Section 1. Within appropriations available therefor,  
7 the departments, agencies, and officers of the government of  
8 this state shall cooperate with and assist the cooperating  
9 committee within the scope contemplated by Article IV,  
10 subsections 1(a) and 1(b) of the agreement. The departments,  
11 agencies, and officers of the government of this state are  
12 authorized generally to cooperate with said cooperating  
13 committee."

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

1 *Sen. [Signature]* BILL NO. 73  
2 INTRODUCED BY *[Signature]*  
3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA  
6 FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT; AND  
7 AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA."  
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 61-10-107, MCA, is amended to read:

11 "61-10-107. (Temporary) Maximum gross weight -- when  
12 permit required. (1) An axle may not carry a load in excess  
13 of 20,000 pounds, and no two consecutive axles more than 40  
14 inches or less than 96 inches apart may carry a load in  
15 excess of 34,000 pounds. For purposes of this section, axles  
16 40 inches or less apart are considered as a single axle. A  
17 vehicle or combination may not have more than nine axles.  
18 The maximum gross weight allowed on a vehicle, group of  
19 axles, or combination of vehicles shall be determined by the  
20 formula:  $W = 500 - \{5N/N - \text{minus} - 1 + 12N + 36\}$

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$$W = 500((LN/(N - 1)) + 12N + 36)$$

22 in which W equals gross weight, L equals wheel base in feet,  
23 and N equals number of axles, except that two consecutive  
24 sets of tandem axles may carry a gross load of 34,000 pounds  
25 each if the overall distance between the first and last

1 axles of such consecutive sets of tandem axles is 36 feet or  
2 more.

3 (2) Notwithstanding a vehicle's conformance with the  
4 requirements of subsection (1), its maximum load per inch of  
5 tire width, excluding the steering axle, may not exceed 600  
6 pounds, based on the table in 61-10-105(3).

7 (3) If the gross weight of a vehicle or combination  
8 exceeds 80,000 pounds, the vehicle or combination must have  
9 a special permit, which may be issued in the discretion of  
10 the department of highways based on evaluation of safety,  
11 highway capacity, and economics of highway maintenance and  
12 vehicle operation. The fee shall be \$20 per trip permit or  
13 \$100 per term permit. A term permit may not be issued for a  
14 period of time greater than the period for which the GVW  
15 license is valid. Owners of vehicles licensed in other  
16 jurisdictions may, at the discretion of the department,  
17 purchase permits to expire with their registration. Permits  
18 may specify and permits issued under 61-10-124(4) must  
19 specify highway routing.

20 (4) A special permit issued under subsection (3) for  
21 the transportation of agricultural products by farm vehicles  
22 from a harvesting combine or other harvesting machinery to  
23 the point of first unloading shall be for the full term of  
24 the harvest season of the agricultural product transported.

25 (5) This section does not apply to highways which are

1 a part of the national system of interstate and defense  
2 highways (as referred to in 23 U.S.C. 127) when application  
3 of this section would prevent this state from receiving  
4 federal funds for highway purposes.

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15 the transportation of agricultural products by farm vehicles  
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19 (5) This section does not apply to highways which are  
20 a part of the national system of interstate and defense  
21 highways (as referred to in 23 U.S.C. 127) when application  
22 of this section would prevent this state from receiving  
23 federal funds for highway purposes."

24 **Section 2.** Section 61-10-1101, MCA, is amended to  
25 read:

"61-10-1101. Multistate Highway Transportation Agreement -- enactment and text. The Multistate Highway Transportation Agreement is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

#### MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows:

#### Article I. Findings and Purposes

Section 1. Findings. The participating jurisdictions find that:

(a) the expanding regional economy depends on expanding transportation capacity;

(b) highway transportation is the major mode for movement of people and goods in the western states;

(c) uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;

(d) a number of western states, already having adopted substantially the 1964 bureau of public roads recommended vehicle size and weight standards, still find current

federal limits more restrictive;

(e) the 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly 92% complete; and

(f) the participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

Section 2. Purposes. The purposes of this agreement are to:

(a) adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system;

(b) establish a system authorizing the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards;

(c) promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement;

(d) secure uniformity, insofar as possible, of

1 administrative procedures in the enforcement of recommended  
2 vehicle size and weight standards;

3 (e) provide means for the encouragement and  
4 utilization of research that will facilitate the achievement  
5 of the foregoing purposes, with due regard for the findings  
6 set forth in section 1 of this article.

#### 7 Article II. Definitions

8 Section 1. As used in this agreement:

9 (a) "designated representative" means a legislator or  
10 other person authorized to represent the jurisdiction;

11 (b) "jurisdiction" means a state of the United States  
12 or the District of Columbia;

13 (c) "vehicle" means any vehicle as defined by statute  
14 to be subject to size and weight standards that operates in  
15 two or more participating jurisdictions.

#### 16 Article III. General Provisions

17 Section 1. Qualifications for membership.

18 Participation in this agreement is open to jurisdictions  
19 that subscribe to the findings, purposes, and objectives of  
20 this agreement and will seek legislation necessary to  
21 accomplish these objectives.

22 Section 2. Cooperation. The participating  
23 jurisdictions, working through their designated  
24 representatives, shall cooperate and assist each other in  
25 achieving the desired goals of this agreement pursuant to

1 appropriate statutory authority.

2 Section 3. Effect of headings. Article and section  
3 headings contained herein may not be considered to govern,  
4 limit, modify, or in any manner affect the scope, meaning,  
5 or intent of the provisions of any article or section  
6 hereof.

7 Section 4. Vehicle laws and regulations. This  
8 agreement does not authorize the operation of a vehicle in  
9 any participating jurisdiction contrary to the laws or  
10 regulations thereof.

11 Section 5. Interpretation. The final decision  
12 regarding interpretation of questions at issue relating to  
13 this agreement shall be reached by unanimous joint action of  
14 the participating jurisdictions, acting through the  
15 designated representatives. Results of all such actions  
16 shall be placed in writing.

17 Section 6. Amendment. This agreement may be amended by  
18 unanimous joint action of the participating jurisdictions,  
19 acting through the officials thereof authorized to enter  
20 into this agreement, subject to the requirements of section  
21 4, Article III. Any amendment shall be placed in writing  
22 and become a part hereof.

23 Section 7. Restrictions, conditions, or limitations.  
24 Any jurisdiction entering this agreement shall provide each  
25 other participating jurisdiction with a list of any

1 restriction, condition, or limitation on the general terms  
2 of this agreement, if any.

3 Section 8. Additional jurisdictions. Additional  
4 jurisdictions may become members of this agreement by  
5 signing and accepting the terms of the agreement.

6 Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the  
8 designated representatives of the participating  
9 jurisdictions shall constitute a committee that shall have  
10 the power to:

11 (a) collect, correlate, analyze, and evaluate  
12 information resulting or derivable from research and testing  
13 activities in relation to vehicle size and weight related  
14 matters;

15 (b) recommend and encourage the undertaking of  
16 research and testing in any aspect of vehicle size and  
17 weight or related matter when, in their collective judgment,  
18 appropriate or sufficient research or testing has not been  
19 undertaken;

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21 on compatibility of laws and uniformity of administrative  
22 rules that would promote effective governmental action or  
23 coordination in the field of vehicle size and weight related  
24 matters.

25 Section 2. Each participating jurisdiction shall be

1 entitled to one vote only. No action of the committee shall  
2 be binding unless a majority of the total number of votes  
3 cast by participating jurisdictions are in favor thereof.

4 Section 3. The committee shall meet at least once  
5 annually and shall elect, from among its members, a  
6 chairman, a vice-chairman, and a secretary.

7 Section 4. The committee shall submit annually to the  
8 legislature of each participating jurisdiction, no later  
9 than November 1, a report setting forth the work of the  
10 committee during the preceding year and including  
11 recommendations developed by the committee. The committee  
12 may submit such additional reports as it considers  
13 appropriate or desirable. Copies of all such reports shall  
14 be made available to the transportation committee of the  
15 western conference, council of state governments, and to the  
16 western association of state highway and transportation  
17 officials.

18 Article V. Objectives of the  
19 Participating Jurisdictions

20 Section 1. Objectives. The participating jurisdictions  
21 hereby declare that:

22 (a) it is the objective of the participating  
23 jurisdictions to obtain more efficient and more economical  
24 transportation by motor vehicles between and among the  
25 participating jurisdictions by encouraging the adoption of

standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight not in excess of 20,000 pounds, a tandem-axle weight not in excess of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

$$W = 500((LN/(N - 1)) + 12N + 36)$$

where

W = maximum weight in pounds carried on any group of two or computed to nearest 500 pounds;

L = distance in feet between the extremes of any group of two or more consecutive axles;

N = number of axles in group under consideration;

(b) it is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, Title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction that could legally issue such permits prior to July 1, 1956, provided all regulations and

procedures related to such issuance in effect as of July 1, 1956, are adhered to;

(c) the objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected;

(d) it is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including but not limited to the development of uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such



1 other matters as may be pertinent;

2 (e) in recognition of the limited prospects of federal  
3 revision of section 127, Title 23, U.S. Code, and in order  
4 to protect participating jurisdictions against any  
5 possibility of withholding or forfeiture of federal-aid  
6 highway funds, it is the further objective of the  
7 participating jurisdictions to secure congressional approval  
8 of this agreement and specifically of the vehicle size and  
9 weight standards set forth in subsection (a) of this  
10 section;

11 (f) in recognition of desire for a degree of national  
12 uniformity of size and weight regulations, it is the further  
13 objective to encourage development of broad, uniform size  
14 and weight standards on a national basis and further that  
15 procedures adopted under this agreement be compatible with  
16 national standards.

17 Article VI. Entry Into Force and Withdrawal

18 Section 1. This agreement shall enter into force when  
19 enacted into law by any two or more jurisdictions.  
20 Thereafter, this agreement shall become effective as to any  
21 other jurisdiction upon its enactment thereof, except as  
22 otherwise provided in section 8, Article III.

23 Section 2. Any participating jurisdiction may withdraw  
24 from this agreement by canceling the same but no such  
25 withdrawal shall take effect until 30 days after the

1 designated representative of the withdrawing jurisdiction  
2 has given notice in writing of the withdrawal to all other  
3 participating jurisdictions.

4 Article VII. Construction and Severability

5 Section 1. This agreement shall be liberally construed  
6 so as to effectuate the purposes thereof.

7 Section 2. The provisions of this agreement shall be  
8 severable and if any phrase, clause, sentence, or provision  
9 of this agreement is declared to be contrary to the  
10 constitution of any participating jurisdiction or the  
11 applicability thereto to any government, agency, person, or  
12 circumstance is held invalid, the validity of the remainder  
13 of this agreement shall not be affected thereby. If this  
14 agreement shall be held contrary to the constitution of any  
15 jurisdiction participating herein, the agreement shall  
16 remain in full force and effect as to the jurisdictions  
17 affected as to all severable matters.

18 Article VIII. Filing of Documents

19 Section 1. A copy of this agreement, its amendments,  
20 and rules promulgated thereunder and interpretations thereof  
21 shall be filed in the highway department in each  
22 participating jurisdiction and shall be made available for  
23 review by interested parties.

24 Article IX. Existing Statutes Not Repealed

25 Section 1. All existing statutes prescribing weight

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1 and size standards and all existing statutes relating to  
2 special permits shall continue to be of force and effect  
3 until amended or repealed by law.

4 Article X. State Government Departments

5 Authorized to Cooperate With Cooperating Committee

6 Section 1. Within appropriations available therefor,  
7 the departments, agencies, and officers of the government of  
8 this state shall cooperate with and assist the cooperating  
9 committee within the scope contemplated by Article IV,  
10 subsections 1(a) and 1(b) of the agreement. The departments,  
11 agencies, and officers of the government of this state are  
12 authorized generally to cooperate with said cooperating  
13 committee."

-End-

1 *Sen. J. H. ...* BILL NO. 73  
 2 INTRODUCED BY *Don Meyer Campbell*  
 3 BY REQUEST OF THE DEPARTMENT OF HIGHWAYS  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA  
 6 FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT; AND  
 7 AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA."  
 8

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

10 **Section 1.** Section 61-10-107, MCA, is amended to read:

11 "61-10-107. (Temporary) Maximum gross weight -- when  
 12 permit required. (1) An axle may not carry a load in excess  
 13 of 20,000 pounds, and no two consecutive axles more than 40  
 14 inches or less than 96 inches apart may carry a load in  
 15 excess of 34,000 pounds. For purposes of this section, axles  
 16 40 inches or less apart are considered as a single axle. A  
 17 vehicle or combination may not have more than nine axles.  
 18 The maximum gross weight allowed on a vehicle, group of  
 19 axles, or combination of vehicles shall be determined by the  
 20 formula:  $W = 500 - \{LN/N - 1\} + 12N + 36$

$$W = 500 \{ (LN / (N - 1)) + 12N + 36 \}$$

22 in which W equals gross weight, L equals wheel base in feet,  
 23 and N equals number of axles, except that two consecutive  
 24 sets of tandem axles may carry a gross load of 34,000 pounds  
 25 each if the overall distance between the first and last

1 axles of such consecutive sets of tandem axles is 36 feet or  
 2 more.

3 (2) Notwithstanding a vehicle's conformance with the  
 4 requirements of subsection (1), its maximum load per inch of  
 5 tire width, excluding the steering axle, may not exceed 600  
 6 pounds, based on the table in 61-10-105(3).

7 (3) If the gross weight of a vehicle or combination  
 8 exceeds 80,000 pounds, the vehicle or combination must have  
 9 a special permit, which may be issued in the discretion of  
 10 the department of highways based on evaluation of safety,  
 11 highway capacity, and economics of highway maintenance and  
 12 vehicle operation. The fee shall be \$20 per trip permit or  
 13 \$100 per term permit. A term permit may not be issued for a  
 14 period of time greater than the period for which the GVW  
 15 license is valid. Owners of vehicles licensed in other  
 16 jurisdictions may, at the discretion of the department,  
 17 purchase permits to expire with their registration. Permits  
 18 may specify and permits issued under 61-10-124(4) must  
 19 specify highway routing.

20 (4) A special permit issued under subsection (3) for  
 21 the transportation of agricultural products by farm vehicles  
 22 from a harvesting combine or other harvesting machinery to  
 23 the point of first unloading shall be for the full term of  
 24 the harvest season of the agricultural product transported.

25 (5) This section does not apply to highways which are

1 a part of the national system of interstate and defense  
2 highways (as referred to in 23 U.S.C. 127) when application  
3 of this section would prevent this state from receiving  
4 federal funds for highway purposes.

5 61-10-107. (Effective July 1, 1989) Maximum gross  
6 weight -- when permit required. (1) An axle may not carry a  
7 load in excess of 20,000 pounds, and no two consecutive  
8 axles more than 40 inches or less than 96 inches apart may  
9 carry a load in excess of 34,000 pounds. For purposes of  
10 this section, axles 40 inches or less apart are considered  
11 as a single axle. A vehicle or combination may not have  
12 more than nine axles. The maximum gross weight allowed on a  
13 vehicle, group of axles, or combination of vehicles shall be  
14 determined by the formula:  $W = 500 \{ \frac{LN}{N-1} + 12N + 36 \}$   
15

16  $W = 500 \{ \frac{LN}{N-1} + 12N + 36 \}$   
17 in which W equals gross weight, L equals wheel base in feet,  
18 and N equals number of axles, except that two consecutive  
19 sets of tandem axles may carry a gross load of 34,000 pounds  
20 each if the overall distance between the first and last  
21 axles of such consecutive sets of tandem axles is 36 feet or  
22 more.

23 (2) Notwithstanding a vehicle's conformance with the  
24 requirements of subsection (1), its maximum load per inch of  
25 tire width, excluding the steering axle, may not exceed 600

1 pounds, based on the table in 61-10-105(3).

2 (3) If the gross weight of a vehicle or combination  
3 exceeds 80,000 pounds, the vehicle or combination must have  
4 a special permit, which may be issued in the discretion of  
5 the department of highways based on evaluation of safety,  
6 highway capacity, and economics of highway maintenance and  
7 vehicle operation. The fee shall be \$20 per trip permit or  
8 \$100 per term permit. A term permit may not be issued for a  
9 period of time greater than the period for which the GVW  
10 license is valid. Owners of vehicles licensed in other  
11 jurisdictions may, at the discretion of the department,  
12 purchase permits to expire with their registration. Permits  
13 may specify highway routing.

14 (4) A special permit issued under subsection (3) for  
15 the transportation of agricultural products by farm vehicles  
16 from a harvesting combine or other harvesting machinery to  
17 the point of first unloading shall be for the full term of  
18 the harvest season of the agricultural product transported.

19 (5) This section does not apply to highways which are  
20 a part of the national system of interstate and defense  
21 highways (as referred to in 23 U.S.C. 127) when application  
22 of this section would prevent this state from receiving  
23 federal funds for highway purposes."

24 **Section 2.** Section 61-10-1101, MCA, is amended to  
25 read:

1       \*61-10-1101. Multistate Highway Transportation  
2 Agreement -- enactment and text. The Multistate Highway  
3 Transportation Agreement is hereby enacted into law and  
4 entered into with all other jurisdictions legally joining  
5 therein in the form substantially as follows:

6           MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

7       Pursuant to and in conformity with the laws of their  
8 respective jurisdictions, the participating jurisdictions,  
9 acting by and through their officials lawfully authorized to  
10 execute this agreement, do mutually agree as follows:

11           Article I. Findings and Purposes

12       Section 1. Findings. The participating jurisdictions  
13 find that:

14       (a) the expanding regional economy depends on  
15 expanding transportation capacity;

16       (b) highway transportation is the major mode for  
17 movement of people and goods in the western states;

18       (c) uniform application in the West of more adequate  
19 vehicle size and weight standards will result in a reduction  
20 of pollution, congestion, fuel consumption, and related  
21 transportation costs, which are necessary to permit  
22 increased productivity;

23       (d) a number of western states, already having adopted  
24 substantially the 1964 bureau of public roads recommended  
25 vehicle size and weight standards, still find current

1 federal limits more restrictive;

2       (e) the 1974 revision of federal law (23 U.S.C. 127)  
3 did not contain any substantial improvements for vehicle  
4 size and weight standards in the western states and deprives  
5 states of interstate matching money if vehicle weights and  
6 widths are increased, even though the interstate system is  
7 nearly 92% complete; and

8       (f) the participating jurisdictions are most capable  
9 of developing vehicle size and weight standards most  
10 appropriate for the regional economy and transportation  
11 requirements, consistent with and in recognition of  
12 principles of highway safety.

13       Section 2. Purposes. The purposes of this agreement  
14 are to:

15       (a) adhere to the principle that each participating  
16 jurisdiction should have the freedom to develop vehicle size  
17 and weight standards that it determines to be most  
18 appropriate to its economy and highway system;

19       (b) establish a system authorizing the operation of  
20 vehicles traveling between two or more participating  
21 jurisdictions at more adequate size and weight standards;

22       (c) promote uniformity among participating  
23 jurisdictions in vehicle size and weight standards on the  
24 basis of the objectives set forth in this agreement;

25       (d) secure uniformity, insofar as possible, of

1 administrative procedures in the enforcement of recommended  
2 vehicle size and weight standards;

3 (e) provide means for the encouragement and  
4 utilization of research that will facilitate the achievement  
5 of the foregoing purposes, with due regard for the findings  
6 set forth in section 1 of this article.

#### 7 Article II. Definitions

8 Section 1. As used in this agreement:

9 (a) "designated representative" means a legislator or  
10 other person authorized to represent the jurisdiction;

11 (b) "jurisdiction" means a state of the United States  
12 or the District of Columbia;

13 (c) "vehicle" means any vehicle as defined by statute  
14 to be subject to size and weight standards that operates in  
15 two or more participating jurisdictions.

#### 16 Article III. General Provisions

17 Section 1. Qualifications for membership.

18 Participation in this agreement is open to jurisdictions  
19 that subscribe to the findings, purposes, and objectives of  
20 this agreement and will seek legislation necessary to  
21 accomplish these objectives.

22 Section 2. Cooperation. The participating  
23 jurisdictions, working through their designated  
24 representatives, shall cooperate and assist each other in  
25 achieving the desired goals of this agreement pursuant to

1 appropriate statutory authority.

2 Section 3. Effect of headings. Article and section  
3 headings contained herein may not be considered to govern,  
4 limit, modify, or in any manner affect the scope, meaning,  
5 or intent of the provisions of any article or section  
6 hereof.

7 Section 4. Vehicle laws and regulations. This  
8 agreement does not authorize the operation of a vehicle in  
9 any participating jurisdiction contrary to the laws or  
10 regulations thereof.

11 Section 5. Interpretation. The final decision  
12 regarding interpretation of questions at issue relating to  
13 this agreement shall be reached by unanimous joint action of  
14 the participating jurisdictions, acting through the  
15 designated representatives. Results of all such actions  
16 shall be placed in writing.

17 Section 6. Amendment. This agreement may be amended by  
18 unanimous joint action of the participating jurisdictions,  
19 acting through the officials thereof authorized to enter  
20 into this agreement, subject to the requirements of section  
21 4, Article III. Any amendment shall be placed in writing  
22 and become a part hereof.

23 Section 7. Restrictions, conditions, or limitations.  
24 Any jurisdiction entering this agreement shall provide each  
25 other participating jurisdiction with a list of any

1 restriction, condition, or limitation on the general terms  
2 of this agreement, if any.

3 Section 8. Additional jurisdictions. Additional  
4 jurisdictions may become members of this agreement by  
5 signing and accepting the terms of the agreement.

6 Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the  
8 designated representatives of the participating  
9 jurisdictions shall constitute a committee that shall have  
10 the power to:

11 (a) collect, correlate, analyze, and evaluate  
12 information resulting or derivable from research and testing  
13 activities in relation to vehicle size and weight related  
14 matters;

15 (b) recommend and encourage the undertaking of  
16 research and testing in any aspect of vehicle size and  
17 weight or related matter when, in their collective judgment,  
18 appropriate or sufficient research or testing has not been  
19 undertaken;

20 (c) recommend changes in law or policy with emphasis  
21 on compatibility of laws and uniformity of administrative  
22 rules that would promote effective governmental action or  
23 coordination in the field of vehicle size and weight related  
24 matters.

25 Section 2. Each participating jurisdiction shall be

1 entitled to one vote only. No action of the committee shall  
2 be binding unless a majority of the total number of votes  
3 cast by participating jurisdictions are in favor thereof.

4 Section 3. The committee shall meet at least once  
5 annually and shall elect, from among its members, a  
6 chairman, a vice-chairman, and a secretary.

7 Section 4. The committee shall submit annually to the  
8 legislature of each participating jurisdiction, no later  
9 than November 1, a report setting forth the work of the  
10 committee during the preceding year and including  
11 recommendations developed by the committee. The committee  
12 may submit such additional reports as it considers  
13 appropriate or desirable. Copies of all such reports shall  
14 be made available to the transportation committee of the  
15 western conference, council of state governments, and to the  
16 western association of state highway and transportation  
17 officials.

18 Article V. Objectives of the  
19 Participating Jurisdictions

20 Section 1. Objectives. The participating jurisdictions  
21 hereby declare that:

22 (a) it is the objective of the participating  
23 jurisdictions to obtain more efficient and more economical  
24 transportation by motor vehicles between and among the  
25 participating jurisdictions by encouraging the adoption of

1 standards that will, as minimums, allow the operation on all  
 2 state highways, except those determined through engineering  
 3 evaluation to be inadequate, with a single-axle weight not  
 4 in excess of 20,000 pounds, a tandem-axle weight not in  
 5 excess of 34,000 pounds, and a gross vehicle or combination  
 6 weight not in excess of that resulting from application of  
 7 the formula:

$$8 \quad W = 500((LN/(N - 1)) + 12N + 36)$$

9 where

10 W = maximum weight in pounds carried on any group of two  
 11 or computed to nearest 500 pounds;

12 L = distance in feet between the extremes of any group of  
 13 two or more consecutive axles;

14 N = number of axles in group under consideration;

15 (b) it is the further objective of the participating  
 16 jurisdictions that in the event the operation of a vehicle  
 17 or combination of vehicles according to the provisions of  
 18 subsection (a) of this section would result in withholding  
 19 or forfeiture of federal-aid funds pursuant to section 127,  
 20 Title 23, U.S. Code, the operation of such vehicle or  
 21 combination of vehicles at axle and gross weights within the  
 22 limits set forth in subsection (a) of this section will be  
 23 authorized under special permit authority by each  
 24 participating jurisdiction that could legally issue such  
 25 permits prior to July 1, 1956, provided all regulations and

1 procedures related to such issuance in effect as of July 1,  
 2 1956, are adhered to;

3 (c) the objectives of subsections (a) and (b) of this  
 4 section relate to vehicles or combinations of vehicles in  
 5 regular operation, and the authority of any participating  
 6 jurisdiction to issue special permits for the movement of  
 7 any vehicle or combinations of vehicles having dimensions  
 8 and/or weights in excess of the maximum statutory limits in  
 9 each participating jurisdiction will not be affected;

10 (d) it is the further objective of the participating  
 11 jurisdictions to facilitate and expedite the operation of  
 12 any vehicle or combination of vehicles between and among the  
 13 participating jurisdictions under the provisions of  
 14 subsection (a) or (b) of this section, and to that end the  
 15 participating jurisdictions hereby agree, through their  
 16 designated representatives, to meet and cooperate in the  
 17 consideration of vehicle size and weight related matters  
 18 including but not limited to the development of uniform  
 19 enforcement procedures; additional vehicle size and weight  
 20 standards; operational standards; agreements or compacts to  
 21 facilitate regional application and administration of  
 22 vehicle size and weight standards; uniform permit  
 23 procedures; uniform application forms; rules for the  
 24 operation of vehicles, including equipment requirements,  
 25 driver qualifications, and operating practices; and such



1 other matters as may be pertinent;

2 (e) in recognition of the limited prospects of federal  
3 revision of section 127, Title 23, U.S. Code, and in order  
4 to protect participating jurisdictions against any  
5 possibility of withholding or forfeiture of federal-aid  
6 highway funds, it is the further objective of the  
7 participating jurisdictions to secure congressional approval  
8 of this agreement and specifically of the vehicle size and  
9 weight standards set forth in subsection (a) of this  
10 section;

11 (f) in recognition of desire for a degree of national  
12 uniformity of size and weight regulations, it is the further  
13 objective to encourage development of broad, uniform size  
14 and weight standards on a national basis and further that  
15 procedures adopted under this agreement be compatible with  
16 national standards.

#### 17 Article VI. Entry Into Force and Withdrawal

18 Section 1. This agreement shall enter into force when  
19 enacted into law by any two or more jurisdictions.  
20 Thereafter, this agreement shall become effective as to any  
21 other jurisdiction upon its enactment thereof, except as  
22 otherwise provided in section 8, Article III.

23 Section 2. Any participating jurisdiction may withdraw  
24 from this agreement by canceling the same but no such  
25 withdrawal shall take effect until 30 days after the

1 designated representative of the withdrawing jurisdiction  
2 has given notice in writing of the withdrawal to all other  
3 participating jurisdictions.

#### 4 Article VII. Construction and Severability

5 Section 1. This agreement shall be liberally construed  
6 so as to effectuate the purposes thereof.

7 Section 2. The provisions of this agreement shall be  
8 severable and if any phrase, clause, sentence, or provision  
9 of this agreement is declared to be contrary to the  
10 constitution of any participating jurisdiction or the  
11 applicability thereto to any government, agency, person, or  
12 circumstance is held invalid, the validity of the remainder  
13 of this agreement shall not be affected thereby. If this  
14 agreement shall be held contrary to the constitution of any  
15 jurisdiction participating herein, the agreement shall  
16 remain in full force and effect as to the jurisdictions  
17 affected as to all severable matters.

#### 18 Article VIII. Filing of Documents

19 Section 1. A copy of this agreement, its amendments,  
20 and rules promulgated thereunder and interpretations thereof  
21 shall be filed in the highway department in each  
22 participating jurisdiction and shall be made available for  
23 review by interested parties.

#### 24 Article IX. Existing Statutes Not Repealed

25 Section 1. All existing statutes prescribing weight

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1 and size standards and all existing statutes relating to  
2 special permits shall continue to be of force and effect  
3 until amended or repealed by law.

4 Article X. State Government Departments

5 Authorized to Cooperate With Cooperating Committee

6 Section 1. Within appropriations available therefor,  
7 the departments, agencies, and officers of the government of  
8 this state shall cooperate with and assist the cooperating  
9 committee within the scope contemplated by Article IV,  
10 subsections 1(a) and 1(b) of the agreement. The departments,  
11 agencies, and officers of the government of this state are  
12 authorized generally to cooperate with said cooperating  
13 committee."

-End-

## SENATE BILL NO. 73

INTRODUCED BY MEYER, CAMPBELL

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT CORRECTING THE FORMULA FOR DETERMINING MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT; AND AMENDING SECTIONS 61-10-107 AND 61-10-1101, MCA."

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

**Section 1.** Section 61-10-107, MCA, is amended to read:

"61-10-107. (Temporary) Maximum gross weight -- when permit required. (1) An axle may not carry a load in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches apart may carry a load in excess of 34,000 pounds. For purposes of this section, axles 40 inches or less apart are considered as a single axle. A vehicle or combination may not have more than nine axles. The maximum gross weight allowed on a vehicle, group of axles, or combination of vehicles shall be determined by the formula:  $W = 500 - \{5N/N - \text{minus} - 1 + 12N + 36\}$

$$W = 500((LN/(N - 1)) + 12N + 36)$$

in which W equals gross weight, L equals wheel base in feet, and N equals number of axles, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last

axles of such consecutive sets of tandem axles is 36 feet or more.

(2) Notwithstanding a vehicle's conformance with the requirements of subsection (1), its maximum load per inch of tire width, excluding the steering axle, may not exceed 600 pounds, based on the table in 61-10-105(3).

(3) If the gross weight of a vehicle or combination exceeds 80,000 pounds, the vehicle or combination must have a special permit, which may be issued in the discretion of the department of highways based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation. The fee shall be \$20 per trip permit or \$100 per term permit. A term permit may not be issued for a period of time greater than the period for which the GVW license is valid. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. Permits may specify and permits issued under 61-10-124(4) must specify highway routing.

(4) A special permit issued under subsection (3) for the transportation of agricultural products by farm vehicles from a harvesting combine or other harvesting machinery to the point of first unloading shall be for the full term of the harvest season of the agricultural product transported.

(5) This section does not apply to highways which are

1 a part of the national system of interstate and defense  
2 highways (as referred to in 23 U.S.C. 127) when application  
3 of this section would prevent this state from receiving  
4 federal funds for highway purposes.

5 61-10-107. (Effective July 1, 1989) Maximum gross  
6 weight -- when permit required. (1) An axle may not carry a  
7 load in excess of 20,000 pounds, and no two consecutive  
8 axles more than 40 inches or less than 96 inches apart may  
9 carry a load in excess of 34,000 pounds. For purposes of  
10 this section, axles 40 inches or less apart are considered  
11 as a single axle. A vehicle or combination may not have  
12 more than nine axles. The maximum gross weight allowed on a  
13 vehicle, group of axles, or combination of vehicles shall be  
14 determined by the formula:  $W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$   
15

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

16 in which W equals gross weight, L equals wheel base in feet,  
17 and N equals number of axles, except that two consecutive  
18 sets of tandem axles may carry a gross load of 34,000 pounds  
19 each if the overall distance between the first and last  
20 axles of such consecutive sets of tandem axles is 36 feet or  
21 more.  
22

23 (2) Notwithstanding a vehicle's conformance with the  
24 requirements of subsection (1), its maximum load per inch of  
25 tire width, excluding the steering axle, may not exceed 600

1 pounds, based on the table in 61-10-105(3).

2 (3) If the gross weight of a vehicle or combination  
3 exceeds 80,000 pounds, the vehicle or combination must have  
4 a special permit, which may be issued in the discretion of  
5 the department of highways based on evaluation of safety,  
6 highway capacity, and economics of highway maintenance and  
7 vehicle operation. The fee shall be \$20 per trip permit or  
8 \$100 per term permit. A term permit may not be issued for a  
9 period of time greater than the period for which the GVW  
10 license is valid. Owners of vehicles licensed in other  
11 jurisdictions may, at the discretion of the department,  
12 purchase permits to expire with their registration. Permits  
13 may specify highway routing.

14 (4) A special permit issued under subsection (3) for  
15 the transportation of agricultural products by farm vehicles  
16 from a harvesting combine or other harvesting machinery to  
17 the point of first unloading shall be for the full term of  
18 the harvest season of the agricultural product transported.

19 (5) This section does not apply to highways which are  
20 a part of the national system of interstate and defense  
21 highways (as referred to in 23 U.S.C. 127) when application  
22 of this section would prevent this state from receiving  
23 federal funds for highway purposes."

24 **Section 2.** Section 61-10-1101, MCA, is amended to  
25 read:

1       "61-10-1101. Multistate Highway Transportation  
2 Agreement -- enactment and text. The Multistate Highway  
3 Transportation Agreement is hereby enacted into law and  
4 entered into with all other jurisdictions legally joining  
5 therein in the form substantially as follows:

6           MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

7       Pursuant to and in conformity with the laws of their  
8 respective jurisdictions, the participating jurisdictions,  
9 acting by and through their officials lawfully authorized to  
10 execute this agreement, do mutually agree as follows:

11           Article I. Findings and Purposes

12       Section 1. Findings. The participating jurisdictions  
13 find that:

14       (a) the expanding regional economy depends on  
15 expanding transportation capacity;

16       (b) highway transportation is the major mode for  
17 movement of people and goods in the western states;

18       (c) uniform application in the West of more adequate  
19 vehicle size and weight standards will result in a reduction  
20 of pollution, congestion, fuel consumption, and related  
21 transportation costs, which are necessary to permit  
22 increased productivity;

23       (d) a number of western states, already having adopted  
24 substantially the 1964 bureau of public roads recommended  
25 vehicle size and weight standards, still find current

1 federal limits more restrictive;

2       (e) the 1974 revision of federal law (23 U.S.C. 127)  
3 did not contain any substantial improvements for vehicle  
4 size and weight standards in the western states and deprives  
5 states of interstate matching money if vehicle weights and  
6 widths are increased, even though the interstate system is  
7 nearly 92% complete; and

8       (f) the participating jurisdictions are most capable  
9 of developing vehicle size and weight standards most  
10 appropriate for the regional economy and transportation  
11 requirements, consistent with and in recognition of  
12 principles of highway safety.

13       Section 2. Purposes. The purposes of this agreement  
14 are to:

15       (a) adhere to the principle that each participating  
16 jurisdiction should have the freedom to develop vehicle size  
17 and weight standards that it determines to be most  
18 appropriate to its economy and highway system;

19       (b) establish a system authorizing the operation of  
20 vehicles traveling between two or more participating  
21 jurisdictions at more adequate size and weight standards;

22       (c) promote uniformity among participating  
23 jurisdictions in vehicle size and weight standards on the  
24 basis of the objectives set forth in this agreement;

25       (d) secure uniformity, insofar as possible, of

1 administrative procedures in the enforcement of recommended  
 2 vehicle size and weight standards;  
 3 (e) provide means for the encouragement and  
 4 utilization of research that will facilitate the achievement  
 5 of the foregoing purposes, with due regard for the findings  
 6 set forth in section 1 of this article.

#### 7 Article II. Definitions

##### 8 Section 1. As used in this agreement:

9 (a) "designated representative" means a legislator or  
 10 other person authorized to represent the jurisdiction;

11 (b) "jurisdiction" means a state of the United States  
 12 or the District of Columbia;

13 (c) "vehicle" means any vehicle as defined by statute  
 14 to be subject to size and weight standards that operates in  
 15 two or more participating jurisdictions.

#### 16 Article III. General Provisions

##### 17 Section 1. Qualifications for membership.

18 Participation in this agreement is open to jurisdictions  
 19 that subscribe to the findings, purposes, and objectives of  
 20 this agreement and will seek legislation necessary to  
 21 accomplish these objectives.

##### 22 Section 2. Cooperation. The participating

23 jurisdictions, working through their designated  
 24 representatives, shall cooperate and assist each other in  
 25 achieving the desired goals of this agreement pursuant to

1 appropriate statutory authority.

2 Section 3. Effect of headings. Article and section  
 3 headings contained herein may not be considered to govern,  
 4 limit, modify, or in any manner affect the scope, meaning,  
 5 or intent of the provisions of any article or section  
 6 hereof.

7 Section 4. Vehicle laws and regulations. This  
 8 agreement does not authorize the operation of a vehicle in  
 9 any participating jurisdiction contrary to the laws or  
 10 regulations thereof.

11 Section 5. Interpretation. The final decision  
 12 regarding interpretation of questions at issue relating to  
 13 this agreement shall be reached by unanimous joint action of  
 14 the participating jurisdictions, acting through the  
 15 designated representatives. Results of all such actions  
 16 shall be placed in writing.

17 Section 6. Amendment. This agreement may be amended by  
 18 unanimous joint action of the participating jurisdictions,  
 19 acting through the officials thereof authorized to enter  
 20 into this agreement, subject to the requirements of section  
 21 4, Article III. Any amendment shall be placed in writing  
 22 and become a part hereof.

23 Section 7. Restrictions, conditions, or limitations.  
 24 Any jurisdiction entering this agreement shall provide each  
 25 other participating jurisdiction with a list of any

1 restriction, condition, or limitation on the general terms  
2 of this agreement, if any.

3 Section 8. Additional jurisdictions. Additional  
4 jurisdictions may become members of this agreement by  
5 signing and accepting the terms of the agreement.

6 Article IV. Cooperating Committee

7 Section 1. Pursuant to section 2, Article III, the  
8 designated representatives of the participating  
9 jurisdictions shall constitute a committee that shall have  
10 the power to:

11 (a) collect, correlate, analyze, and evaluate  
12 information resulting or derivable from research and testing  
13 activities in relation to vehicle size and weight related  
14 matters;

15 (b) recommend and encourage the undertaking of  
16 research and testing in any aspect of vehicle size and  
17 weight or related matter when, in their collective judgment,  
18 appropriate or sufficient research or testing has not been  
19 undertaken;

20 (c) recommend changes in law or policy with emphasis  
21 on compatibility of laws and uniformity of administrative  
22 rules that would promote effective governmental action or  
23 coordination in the field of vehicle size and weight related  
24 matters.

25 Section 2. Each participating jurisdiction shall be

1 entitled to one vote only. No action of the committee shall  
2 be binding unless a majority of the total number of votes  
3 cast by participating jurisdictions are in favor thereof.

4 Section 3. The committee shall meet at least once  
5 annually and shall elect, from among its members, a  
6 chairman, a vice-chairman, and a secretary.

7 Section 4. The committee shall submit annually to the  
8 legislature of each participating jurisdiction, no later  
9 than November 1, a report setting forth the work of the  
10 committee during the preceding year and including  
11 recommendations developed by the committee. The committee  
12 may submit such additional reports as it considers  
13 appropriate or desirable. Copies of all such reports shall  
14 be made available to the transportation committee of the  
15 western conference, council of state governments, and to the  
16 western association of state highway and transportation  
17 officials.

18 Article V. Objectives of the  
19 Participating Jurisdictions

20 Section 1. Objectives. The participating jurisdictions  
21 hereby declare that:

22 (a) it is the objective of the participating  
23 jurisdictions to obtain more efficient and more economical  
24 transportation by motor vehicles between and among the  
25 participating jurisdictions by encouraging the adoption of

1 standards that will, as minimums, allow the operation on all  
 2 state highways, except those determined through engineering  
 3 evaluation to be inadequate, with a single-axle weight not  
 4 in excess of 20,000 pounds, a tandem-axle weight not in  
 5 excess of 34,000 pounds, and a gross vehicle or combination  
 6 weight not in excess of that resulting from application of  
 7 the formula:

$$W = 500((LN/(N - 1)) + 12N + 36)$$

8 where

10 W = maximum weight in pounds carried on any group of two  
 11 or computed to nearest 500 pounds;

12 L = distance in feet between the extremes of any group of  
 13 two or more consecutive axles;

14 N = number of axles in group under consideration;

15 (b) it is the further objective of the participating  
 16 jurisdictions that in the event the operation of a vehicle  
 17 or combination of vehicles according to the provisions of  
 18 subsection (a) of this section would result in withholding  
 19 or forfeiture of federal-aid funds pursuant to section 127,  
 20 Title 23, U.S. Code, the operation of such vehicle or  
 21 combination of vehicles at axle and gross weights within the  
 22 limits set forth in subsection (a) of this section will be  
 23 authorized under special permit authority by each  
 24 participating jurisdiction that could legally issue such  
 25 permits prior to July 1, 1956, provided all regulations and

1 procedures related to such issuance in effect as of July 1,  
 2 1956, are adhered to;

3 (c) the objectives of subsections (a) and (b) of this  
 4 section relate to vehicles or combinations of vehicles in  
 5 regular operation, and the authority of any participating  
 6 jurisdiction to issue special permits for the movement of  
 7 any vehicle or combinations of vehicles having dimensions  
 8 and/or weights in excess of the maximum statutory limits in  
 9 each participating jurisdiction will not be affected;

10 (d) it is the further objective of the participating  
 11 jurisdictions to facilitate and expedite the operation of  
 12 any vehicle or combination of vehicles between and among the  
 13 participating jurisdictions under the provisions of  
 14 subsection (a) or (b) of this section, and to that end the  
 15 participating jurisdictions hereby agree, through their  
 16 designated representatives, to meet and cooperate in the  
 17 consideration of vehicle size and weight related matters  
 18 including but not limited to the development of uniform  
 19 enforcement procedures; additional vehicle size and weight  
 20 standards; operational standards; agreements or compacts to  
 21 facilitate regional application and administration of  
 22 vehicle size and weight standards; uniform permit  
 23 procedures; uniform application forms; rules for the  
 24 operation of vehicles, including equipment requirements,  
 25 driver qualifications, and operating practices; and such



1 other matters as may be pertinent;

2 (e) in recognition of the limited prospects of federal  
3 revision of section 127, Title 23, U.S. Code, and in order  
4 to protect participating jurisdictions against any  
5 possibility of withholding or forfeiture of federal-aid  
6 highway funds, it is the further objective of the  
7 participating jurisdictions to secure congressional approval  
8 of this agreement and specifically of the vehicle size and  
9 weight standards set forth in subsection (a) of this  
10 section;

11 (f) in recognition of desire for a degree of national  
12 uniformity of size and weight regulations, it is the further  
13 objective to encourage development of broad, uniform size  
14 and weight standards on a national basis and further that  
15 procedures adopted under this agreement be compatible with  
16 national standards.

17 Article VI. Entry Into Force and Withdrawal

18 Section 1. This agreement shall enter into force when  
19 enacted into law by any two or more jurisdictions.  
20 Thereafter, this agreement shall become effective as to any  
21 other jurisdiction upon its enactment thereof, except as  
22 otherwise provided in section 8, Article III.

23 Section 2. Any participating jurisdiction may withdraw  
24 from this agreement by canceling the same but no such  
25 withdrawal shall take effect until 30 days after the

1 designated representative of the withdrawing jurisdiction  
2 has given notice in writing of the withdrawal to all other  
3 participating jurisdictions.

4 Article VII. Construction and Severability

5 Section 1. This agreement shall be liberally construed  
6 so as to effectuate the purposes thereof.

7 Section 2. The provisions of this agreement shall be  
8 severable and if any phrase, clause, sentence, or provision  
9 of this agreement is declared to be contrary to the  
10 constitution of any participating jurisdiction or the  
11 applicability thereto to any government, agency, person, or  
12 circumstance is held invalid, the validity of the remainder  
13 of this agreement shall not be affected thereby. If this  
14 agreement shall be held contrary to the constitution of any  
15 jurisdiction participating herein, the agreement shall  
16 remain in full force and effect as to the jurisdictions  
17 affected as to all severable matters.

18 Article VIII. Filing of Documents

19 Section 1. A copy of this agreement, its amendments,  
20 and rules promulgated thereunder and interpretations thereof  
21 shall be filed in the highway department in each  
22 participating jurisdiction and shall be made available for  
23 review by interested parties.

24 Article IX. Existing Statutes Not Repealed

25 Section 1. All existing statutes prescribing weight

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1 and size standards and all existing statutes relating to  
2 special permits shall continue to be of force and effect  
3 until amended or repealed by law.

4 Article X. State Government Departments

5 Authorized to Cooperate With Cooperating Committee

6 Section 1. Within appropriations available therefor,  
7 the departments, agencies, and officers of the government of  
8 this state shall cooperate with and assist the cooperating  
9 committee within the scope contemplated by Article IV,  
10 subsections 1(a) and 1(b) of the agreement. The departments,  
11 agencies, and officers of the government of this state are  
12 authorized generally to cooperate with said cooperating  
13 committee."

-End-