

HOUSE BILL NO. 41  
INTRODUCED BY DAVIS

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
JANUARY 4, 1993	FIRST READING.
JANUARY 20, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 21, 1993	PRINTING REPORT.
JANUARY 22, 1993	SECOND READING, DO PASS.
JANUARY 23, 1993	ENGROSSING REPORT.
JANUARY 25, 1993	THIRD READING, PASSED. AYES, 87; NOES, 10.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 9, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 10, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 11, 1993	THIRD READING, CONCURRED IN. AYES, 40; NOES, 10.
	RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

## 1 HOUSE BILL NO. 41

2 INTRODUCED BY DAVIS

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE  
5 DEPARTMENT OF TRANSPORTATION AND LOCAL AUTHORITIES MAY NOT  
6 RESTRICT THE TRANSPORT OF SEED POTATOES ON A PUBLIC HIGHWAY;  
7 AMENDING SECTION 61-10-128, MCA; AND PROVIDING AN EFFECTIVE  
8 DATE."

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

11 Section 1. Section 61-10-128, MCA, is amended to read:

12 "61-10-128. (Temporary) When authorities may restrict  
13 right to use roadway. (1) Neither the department nor a local  
14 authority may alter the limitations provided in 61-10-101  
15 through 61-10-110 or substitute other limitations or  
16 requirements, except as provided in this section.

17 (2) The department of transportation by order, or a  
18 local road authority by ordinance or resolution, may  
19 prohibit the operation of or impose restrictions on the  
20 weight and speed of a vehicle traveling on a public highway  
21 under its respective jurisdiction and for which it is  
22 responsible for maintenance whenever the highway will be  
23 seriously damaged or destroyed by deterioration, rain, snow,  
24 or other climatic conditions, unless the use of vehicles on  
25 the highway is prohibited or the permissible vehicle weights

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

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

17 (a) the vehicle is being operated within its legal  
18 licensed gross vehicle weight;

19 (b) a permit has been issued under 61-10-107(3),  
20 regardless of the vehicle's gross weight, specifying the  
21 route from point of loading to the nearest nonrestricted  
22 road; and

23 (c) the driver has in his possession a federal-state  
24 inspection certificate issued for the load.

25 (4) A permit issued under subsection (3) may be revoked

for violating any condition of the permit. (Terminates June 30, 1993--sec. 2, Ch. 476, L. 1991.)

61-10-128. (Effective July 1, 1993) When authorities may restrict right to use roadway. (1) A local authority may not alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of transportation by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of transportation or the authority which that enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order or ordinance or resolution is not effective until the signs are erected. The department of transportation, or the authority by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations

on their weight on designated highways. These prohibitions and limitations ~~shall~~ must be designated by appropriate signs placed on the highways.

(3) Neither the department of transportation nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable seed potatoes that is traveling on a public highway if:

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

(b) the driver possesses a federal-state inspection certificate issued for the load."

NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1993.

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 41

INTRODUCED BY DAVIS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING--THAT MAKING  
PERMANENT THE LAW PROHIBITING THE DEPARTMENT OF  
TRANSPORTATION AND LOCAL AUTHORITIES MAY--NOT--RESTRICT FROM  
RESTRICTING THE TRANSPORT OF SEED POTATOES ON A PUBLIC  
HIGHWAY UNDER CERTAIN CONDITIONS AND MAKING PERMANENT THE  
LAW REQUIRING A PERMIT; AMENDING SECTION 61-10-128, MCA; AND  
PROVIDING AN EFFECTIVE DATE."

## STATEMENT OF INTENT

THE LEGISLATURE IN 1991 TEMPORARILY PROHIBITED THE  
DEPARTMENT OF TRANSPORTATION FROM SUBJECTING SEED POTATO  
HAULERS TO WEIGHT AND SPEED RESTRICTIONS UNDER CERTAIN  
CONDITIONS AND WITH A PERMIT REQUIREMENT. IT IS THE INTENT  
OF THE LEGISLATURE TO NOW MAKE THAT PROHIBITION PERMANENT  
UNDER THE SAME CONDITIONS AND PERMIT REQUIREMENTS AS WERE  
CONTAINED IN THE 1991 TEMPORARY LAW. THE LEGISLATURE EXPECTS  
THAT WITH THE PASSAGE OF TIME, ROADS WILL BE UPGRADED AND  
THAT EQUIPMENT USED BY THE POTATO HAULERS WILL BE UPGRADED  
IN A FASHION THAT WILL ELIMINATE THE WEAR AND TEAR ON ROADS  
THAT MAKES SPECIAL WEIGHT AND SPEED RESTRICTIONS NECESSARY.  
FOR THE TIME BEING, THE LEGISLATURE RECOGNIZES THE NECESSITY  
OF EXEMPTING SEED POTATO HAULERS FROM SPECIAL RESTRICTIONS

UNDER CERTAIN CONDITIONS. THE LEGISLATURE INTENDS TO ALLOW  
THE EXEMPTION WITH THE UNDERSTANDING THAT IN THE FUTURE, THE  
PEOPLE INVOLVED IN THE SEED POTATO INDUSTRY WILL CONTINUE TO  
WORK ON UPGRADING THEIR EQUIPMENT SO THAT EVENTUALLY THE  
EQUIPMENT WILL NOT REQUIRE EXEMPTIONS FROM SPECIAL SPEED AND  
WEIGHT LIMITS AND THAT AS EQUIPMENT IS REPLACED, THE NEW  
EQUIPMENT WILL MEET REGULAR LIMITS, WITHOUT SPECIAL  
EXEMPTIONS, THAT WILL PROTECT THE STATE'S HIGHWAYS.

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

Section 1. Section 61-10-128, MCA, is amended to read:

"61-10-128. (Temporary) When authorities may restrict  
right to use roadway. (1) Neither the department nor a local  
authority may alter the limitations provided in 61-10-101  
through 61-10-110 or substitute other limitations or  
requirements, except as provided in this section.

(2) The department of transportation by order, or a  
local road authority by ordinance or resolution, may  
prohibit the operation of or impose restrictions on the  
weight and speed of a vehicle traveling on a public highway  
under its respective jurisdiction and for which it is  
responsible for maintenance whenever the highway will be  
seriously damaged or destroyed by deterioration, rain, snow,  
or other climatic conditions, unless the use of vehicles on  
the highway is prohibited or the permissible vehicle weights

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

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

17 (a) the vehicle is being operated within its legal  
 18 licensed gross vehicle weight;

19 (b) a permit has been issued under 61-10-107(3),  
 20 regardless of the vehicle's gross weight, specifying the  
 21 route from point of loading to the nearest nonrestricted  
 22 road; and

23 (c) the driver has in his possession a federal-state  
 24 inspection certificate issued for the load.

25 (4) A permit issued under subsection (3) may be revoked

1 for violating any condition of the permit. (Terminates June  
 2 30, 1993--sec. 2, Ch. 476, L. 1991.)

3 61-10-128. (Effective July 1, 1993) When authorities  
 4 may restrict right to use roadway. (1) A local authority may  
 5 not alter the limitations provided in 61-10-101 through  
 6 61-10-110 or substitute other limitations or requirements,  
 7 except as provided in this section.

8 (2) The department of transportation by order, or a  
 9 local road authority by ordinance or resolution, may  
 10 prohibit the operation of or impose restrictions on the  
 11 weight and speed of a vehicle traveling on a public highway  
 12 under its respective jurisdiction and for which it is  
 13 responsible for maintenance whenever the highway will be  
 14 seriously damaged or destroyed by deterioration, rain, snow,  
 15 or other climatic conditions, unless the use of vehicles on  
 16 the highway is prohibited or the permissible vehicle weights  
 17 and speed are reduced. The department of transportation or  
 18 the authority which that enacts the ordinance or resolution  
 19 shall erect signs designating the department's order or the  
 20 authority's ordinance or resolution at each end of that  
 21 portion of the highway affected, and the order or ordinance  
 22 or resolution is not effective until the signs are erected.  
 23 The department of transportation, or the authority by  
 24 ordinance or resolution, may prohibit the operation of  
 25 trucks or other commercial vehicles, or impose limitations

on their weight on designated highways, SUBJECT TO THE PROVISIONS OF SUBSECTION (3). These prohibitions and limitations ~~shall~~ must be designated by appropriate signs placed on the highways.

(3) Neither the department of transportation nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable seed potatoes that is traveling on a public highway if:

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

(B) A PERMIT HAS BEEN ISSUED UNDER 61-10-107(3), REGARDLESS OF THE VEHICLE'S GROSS WEIGHT, SPECIFYING THE ROUTE FROM POINT OF LOADING TO THE NEAREST NONRESTRICTED ROAD; AND

(b)(C) the driver possesses a federal-state inspection certificate issued for the load.

(4) A PERMIT REFERRED TO IN SUBSECTION (3) MAY BE REVOKED FOR VIOLATING ANY CONDITION OF THE PERMIT."

NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1993.

-End-

## 1 HOUSE BILL NO. 41

2 INTRODUCED BY DAVIS

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING--THAT MAKING  
5 PERMANENT THE LAW PROHIBITING THE DEPARTMENT OF  
6 TRANSPORTATION AND LOCAL AUTHORITIES MAY--NOT--RESTRICT FROM  
7 RESTRICTING THE TRANSPORT OF SEED POTATOES ON A PUBLIC  
8 HIGHWAY UNDER CERTAIN CONDITIONS AND MAKING PERMANENT THE  
9 LAW REQUIRING A PERMIT; AMENDING SECTION 61-10-128, MCA; AND  
10 PROVIDING AN EFFECTIVE DATE."

11  
12 STATEMENT OF INTENT

13 THE LEGISLATURE IN 1991 TEMPORARILY PROHIBITED THE  
14 DEPARTMENT OF TRANSPORTATION FROM SUBJECTING SEED POTATO  
15 HAULERS TO WEIGHT AND SPEED RESTRICTIONS UNDER CERTAIN  
16 CONDITIONS AND WITH A PERMIT REQUIREMENT. IT IS THE INTENT  
17 OF THE LEGISLATURE TO NOW MAKE THAT PROHIBITION PERMANENT  
18 UNDER THE SAME CONDITIONS AND PERMIT REQUIREMENTS AS WERE  
19 CONTAINED IN THE 1991 TEMPORARY LAW. THE LEGISLATURE EXPECTS  
20 THAT WITH THE PASSAGE OF TIME, ROADS WILL BE UPGRADED AND  
21 THAT EQUIPMENT USED BY THE POTATO HAULERS WILL BE UPGRADED  
22 IN A FASHION THAT WILL ELIMINATE THE WEAR AND TEAR ON ROADS  
23 THAT MAKES SPECIAL WEIGHT AND SPEED RESTRICTIONS NECESSARY.  
24 FOR THE TIME BEING, THE LEGISLATURE RECOGNIZES THE NECESSITY  
25 OF EXEMPTING SEED POTATO HAULERS FROM SPECIAL RESTRICTIONS

1 UNDER CERTAIN CONDITIONS. THE LEGISLATURE INTENDS TO ALLOW  
2 THE EXEMPTION WITH THE UNDERSTANDING THAT IN THE FUTURE, THE  
3 PEOPLE INVOLVED IN THE SEED POTATO INDUSTRY WILL CONTINUE TO  
4 WORK ON UPGRADING THEIR EQUIPMENT SO THAT EVENTUALLY THE  
5 EQUIPMENT WILL NOT REQUIRE EXEMPTIONS FROM SPECIAL SPEED AND  
6 WEIGHT LIMITS AND THAT AS EQUIPMENT IS REPLACED, THE NEW  
7 EQUIPMENT WILL MEET REGULAR LIMITS, WITHOUT SPECIAL  
8 EXEMPTIONS, THAT WILL PROTECT THE STATE'S HIGHWAYS.

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

11 Section 1. Section 61-10-128, MCA, is amended to read:

12 "61-10-128. (Temporary) When authorities may restrict  
13 right to use roadway. (1) Neither the department nor a local  
14 authority may alter the limitations provided in 61-10-101  
15 through 61-10-110 or substitute other limitations or  
16 requirements, except as provided in this section.

17 (2) The department of transportation by order, or a  
18 local road authority by ordinance or resolution, may  
19 prohibit the operation of or impose restrictions on the  
20 weight and speed of a vehicle traveling on a public highway  
21 under its respective jurisdiction and for which it is  
22 responsible for maintenance whenever the highway will be  
23 seriously damaged or destroyed by deterioration, rain, snow,  
24 or other climatic conditions, unless the use of vehicles on  
25 the highway is prohibited or the permissible vehicle weights

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

(3) Neither the department nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable seed potatoes that is traveling on a public highway if:

(a) the vehicle is being operated within its legal licensed gross vehicle weight;

(b) a permit has been issued under 61-10-107(3), regardless of the vehicle's gross weight, specifying the route from point of loading to the nearest nonrestricted road; and

(c) the driver has in his possession a federal-state inspection certificate issued for the load.

(4) A permit issued under subsection (3) may be revoked

for violating any condition of the permit. (Terminates June 30, 1993--sec. 2, Ch. 476, L. 1991.)

**61-10-128. (Effective July 1, 1993) When authorities may restrict right to use roadway.** (1) A local authority may not alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of transportation by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of transportation or the authority which that enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order or ordinance or resolution is not effective until the signs are erected. The department of transportation, or the authority by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations



on their weight on designated highways, SUBJECT TO THE PROVISIONS OF SUBSECTION (3). These prohibitions and limitations ~~shall~~ must be designated by appropriate signs placed on the highways.

(3) Neither the department of transportation nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable seed potatoes that is traveling on a public highway if:

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

(B) A PERMIT HAS BEEN ISSUED UNDER 61-10-107(3), REGARDLESS OF THE VEHICLE'S GROSS WEIGHT, SPECIFYING THE ROUTE FROM POINT OF LOADING TO THE NEAREST NONRESTRICTED ROAD; AND

(b)(C) the driver possesses a federal-state inspection certificate issued for the load.

(4) A PERMIT REFERRED TO IN SUBSECTION (3) MAY BE REVOKED FOR VIOLATING ANY CONDITION OF THE PERMIT."

NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1993.

-End-

## HOUSE BILL NO. 41

INTRODUCED BY DAVIS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING--THAT MAKING PERMANENT THE LAW PROHIBITING THE DEPARTMENT OF TRANSPORTATION AND LOCAL AUTHORITIES MAY NOT--RESTRICT FROM RESTRICTING THE TRANSPORT OF SEED POTATOES ON A PUBLIC HIGHWAY UNDER CERTAIN CONDITIONS AND MAKING PERMANENT THE LAW REQUIRING A PERMIT; AMENDING SECTION 61-10-128, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

THE LEGISLATURE IN 1991 TEMPORARILY PROHIBITED THE DEPARTMENT OF TRANSPORTATION FROM SUBJECTING SEED POTATO HAULERS TO WEIGHT AND SPEED RESTRICTIONS UNDER CERTAIN CONDITIONS AND WITH A PERMIT REQUIREMENT. IT IS THE INTENT OF THE LEGISLATURE TO NOW MAKE THAT PROHIBITION PERMANENT UNDER THE SAME CONDITIONS AND PERMIT REQUIREMENTS AS WERE CONTAINED IN THE 1991 TEMPORARY LAW. THE LEGISLATURE EXPECTS THAT WITH THE PASSAGE OF TIME, ROADS WILL BE UPGRADED AND THAT EQUIPMENT USED BY THE POTATO HAULERS WILL BE UPGRADED IN A FASHION THAT WILL ELIMINATE THE WEAR AND TEAR ON ROADS THAT MAKES SPECIAL WEIGHT AND SPEED RESTRICTIONS NECESSARY. FOR THE TIME BEING, THE LEGISLATURE RECOGNIZES THE NECESSITY OF EXEMPTING SEED POTATO HAULERS FROM SPECIAL RESTRICTIONS

UNDER CERTAIN CONDITIONS. THE LEGISLATURE INTENDS TO ALLOW THE EXEMPTION WITH THE UNDERSTANDING THAT IN THE FUTURE, THE PEOPLE INVOLVED IN THE SEED POTATO INDUSTRY WILL CONTINUE TO WORK ON UPGRADING THEIR EQUIPMENT SO THAT EVENTUALLY THE EQUIPMENT WILL NOT REQUIRE EXEMPTIONS FROM SPECIAL SPEED AND WEIGHT LIMITS AND THAT AS EQUIPMENT IS REPLACED, THE NEW EQUIPMENT WILL MEET REGULAR LIMITS, WITHOUT SPECIAL EXEMPTIONS, THAT WILL PROTECT THE STATE'S HIGHWAYS.

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

Section 1. Section 61-10-128, MCA, is amended to read:

"61-10-128. (Temporary) When authorities may restrict right to use roadway. (1) Neither the department nor a local authority may alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of transportation by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights

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

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

17 (a) the vehicle is being operated within its legal  
 18 licensed gross vehicle weight;

19 (b) a permit has been issued under 61-10-107(3),  
 20 regardless of the vehicle's gross weight, specifying the  
 21 route from point of loading to the nearest nonrestricted  
 22 road; and

23 (c) the driver has in his possession a federal-state  
 24 inspection certificate issued for the load.

25 (4) A permit issued under subsection (3) may be revoked

1 for violating any condition of the permit. (Terminates June  
 2 30, 1993--sec. 2, Ch. 476, L. 1991.)

3 61-10-128. (Effective July 1, 1993) When authorities  
 4 may restrict right to use roadway. (1) A local authority may  
 5 not alter the limitations provided in 61-10-101 through  
 6 61-10-110 or substitute other limitations or requirements,  
 7 except as provided in this section.

8 (2) The department of transportation by order, or a  
 9 local road authority by ordinance or resolution, may  
 10 prohibit the operation of or impose restrictions on the  
 11 weight and speed of a vehicle traveling on a public highway  
 12 under its respective jurisdiction and for which it is  
 13 responsible for maintenance whenever the highway will be  
 14 seriously damaged or destroyed by deterioration, rain, snow,  
 15 or other climatic conditions, unless the use of vehicles on  
 16 the highway is prohibited or the permissible vehicle weights  
 17 and speed are reduced. The department of transportation or  
 18 the authority which that enacts the ordinance or resolution  
 19 shall erect signs designating the department's order or the  
 20 authority's ordinance or resolution at each end of that  
 21 portion of the highway affected, and the order or ordinance  
 22 or resolution is not effective until the signs are erected.  
 23 The department of transportation, or the authority by  
 24 ordinance or resolution, may prohibit the operation of  
 25 trucks or other commercial vehicles, or impose limitations

1 on their weight on designated highways, SUBJECT TO THE  
 2 PROVISIONS OF SUBSECTION (3). These prohibitions and  
 3 limitations shall must be designated by appropriate signs  
 4 placed on the highways.

5 (3) Neither the department of transportation nor a  
 6 local authority may prohibit the operation of or impose a  
 7 restriction on the weight of a vehicle loaded with  
 8 perishable seed potatoes that is traveling on a public  
 9 highway if:

10 (a) the vehicle is being operated within its legal  
 11 licensed gross vehicle weight; and

12 (B) A PERMIT HAS BEEN ISSUED UNDER 61-10-107(3),  
 13 REGARDLESS OF THE VEHICLE'S GROSS WEIGHT, SPECIFYING THE  
 14 ROUTE FROM POINT OF LOADING TO THE NEAREST NONRESTRICTED  
 15 ROAD; AND

16 (b)(C) the driver possesses a federal-state inspection  
 17 certificate issued for the load.

18 (4) A PERMIT REFERRED TO IN SUBSECTION (3) MAY BE  
 19 REVOKED FOR VIOLATING ANY CONDITION OF THE PERMIT."

20 NEW SECTION. Section 2. Effective date. [This act] is  
 21 effective July 1, 1993.

-End-