

HOUSE BILL NO. 294

INTRODUCED BY LARSON
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

IN THE HOUSE

JANUARY 21, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 2, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 3, 1993	PRINTING REPORT.
FEBRUARY 4, 1993	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 5, 1993	ENGROSSING REPORT.
FEBRUARY 6, 1993	THIRD READING, PASSED. AYES, 76; NOES, 20.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 9, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 5, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 8, 1993	THIRD READING, CONCURRED IN. AYES, 38; NOES, 10.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 294
 2 INTRODUCED BY Don Salmon
 3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
 6 CONCERNING VEHICLE LOADS; REDUCING THE MAXIMUM ALLOWABLE
 7 WEIGHT ON AXLES EQUIPPED WITH SINGLE TIRES; AMENDING
 8 SECTIONS 61-10-101, 61-10-107, 61-10-108, 61-10-109,
 9 61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128,
 10 61-10-141, 61-10-144, 61-10-145, 61-10-201, 61-10-202, AND
 11 61-10-210, MCA; AND REPEALING SECTION 61-10-105, MCA."

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

14 **Section 1.** Section 61-10-101, MCA, is amended to read:

15 "61-10-101. Standards of ~~maximum dimensions, weights,~~
 16 etc. The standards provided for in 61-10-102 through
 17 61-10-104 and 61-10-106 through 61-10-110 govern the maximum
 18 dimensions, weights, and other characteristics of motor
 19 vehicles operating over the highways in the state to the
 20 exclusion of other standards or other requirements
 21 respecting the subject matter."

22 **Section 2.** Section 61-10-107, MCA, is amended to read:

23 "61-10-107. Maximum gross weight -- when permit
 24 required. (1) An axle may not carry a load in excess of
 25 20,000 pounds, and no two consecutive axles more than 40

1 inches or less than 96 inches apart may carry a load in
 2 excess of 34,000 pounds. An axle load is the total load
 3 transmitted to the road by all wheels whose centers are
 4 included between two parallel transverse vertical planes 40
 5 inches apart, extending across the full width of the
 6 vehicle. For purposes of this section, axles 40 inches or
 7 less apart are considered as a single axle. A vehicle or
 8 combination may not have more than nine axles. The maximum
 9 gross weight allowed on a vehicle, group of axles, or
 10 combination of vehicles must be determined by the formula:

$$11 \quad W = 500((LN/(N - 1)) + 12N + 36)$$

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

18 (2) Notwithstanding a vehicle's conformance with the
 19 requirements of subsection (1), ~~its maximum load per inch of~~
 20 ~~tire width, excluding the steering axle, may not exceed 600~~
 21 ~~pounds, based on the table in 61-10-105(3);~~ all axles
 22 bearing an axle load in excess of 10,000 pounds, except for
 23 the steering axle or an axle equipped with wide-base tires,
 24 must have at least four tires. In lieu of four tires per
 25 axle, an axle may be equipped with wide-base tires. The

maximum load on axles equipped with wide-base tires is limited to 450 pounds per inch of tire width. For the purposes of this section, wide-base tires are tires with a nominal width of 14 or more inches. All tires must be given credit for the nominal width when calculating allowable weight under this section.

(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 transportation based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation. The fee is \$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(6) 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 is for the full term of the harvest season of the agricultural product transported.

(5) This section does not apply to highways that are a

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

Section 3. Section 61-10-108, MCA, is amended to read:

"61-10-108. Reduction under special circumstances. The maximum axle and axle group loads stated in ~~61-10-105~~ 61-10-107 are subject to reasonable reduction in the discretion of the department of transportation during periods when road subgrades have been weakened by water saturation or other causes."

Section 4. Section 61-10-109, MCA, is amended to read:

"61-10-109. Operation without special permits prohibited. The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special permit issued by the department of transportation or its agents or the highway patrol."

Section 5. Section 61-10-110, MCA, is amended to read:

"61-10-110. Federal law. Sections 61-10-101 through 61-10-104 and 61-10-106 through 61-10-109 do not authorize, without a permit issued as provided by law, the operation of a combination of vehicles having a gross weight, axle load, or size in excess of that authorized in those sections, or

1 the operation of a combination of vehicles on the national
 2 system of interstate and defense highways having a gross
 3 weight or size in excess of that permitted by law in this
 4 state before July 1, 1956, or by federal law or regulation
 5 in excess thereof, which is adopted. If federal law allows
 6 establishment of size and weight limits in excess of those
 7 permitted in those sections, without penalty or denial of
 8 federal funds for highway purposes, the department of
 9 transportation may, by permit designating highway routing,
 10 authorize the movement on highways under its jurisdiction of
 11 vehicles or combinations of vehicles of a size or weight in
 12 excess of the limits provided for in those sections, but
 13 within the limits necessary to qualify for federal-aid
 14 highway funds."

15 **Section 6.** Section 61-10-121, MCA, is amended to read:

16 "61-10-121. Permits for excess size and weight. (1)
 17 Upon application and with good cause shown, the department
 18 of transportation and local authorities in their respective
 19 jurisdictions may issue telephonically or in writing a
 20 special permit authorizing the applicant to operate or move
 21 a vehicle, combination of vehicles, load, object, or other
 22 thing of a size or weight exceeding the maximum specified in
 23 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110
 24 upon a highway under the jurisdiction of and for the
 25 maintenance of which the body granting the permit is

1 responsible. However, only the department may issue permits
 2 for movement of a vehicle or combination of vehicles
 3 carrying built-up or reducible loads in excess of 9 feet in
 4 width or exceeding the length, height, or weight specified
 5 in 61-10-101 through 61-10-104 and 61-10-106 through
 6 61-10-110. This permit must be issued in the public
 7 interest. A carrier receiving this permit must have public
 8 liability and property damage insurance for the protection
 9 of the traveling public as a whole. A permit may not be
 10 issued for a period greater than the period for which the
 11 GVW license is valid, including grace periods, as provided
 12 in this title. Owners of vehicles licensed in other
 13 jurisdictions may, at the discretion of the department,
 14 purchase permits to expire with their registration. A
 15 license required by the state governs the issuance of a
 16 special permit. The department may issue to dealers in
 17 implements of husbandry and self-propelled machinery
 18 oversize permits, which may be transferred from unit to unit
 19 by the dealer, for the fee set forth in 61-10-124. These
 20 oversize permits may not restrict dealers in implements of
 21 husbandry and self-propelled machinery from traveling on a
 22 Saturday or Sunday and expire on December 31 of each year,
 23 with no grace period. For the purposes of this section, a
 24 dealer in implements of husbandry or self-propelled
 25 machinery must be a resident of the state. A post-office box

number is not a permanent address under this section.

(2) The applicant for a special permit shall specifically describe the powered vehicle or towing vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or other thing is to be moved and whether the permit is required for a single trip or for continuous operation."

Section 7. Section 61-10-124, MCA, is amended to read:

"61-10-124. Special permits -- fee -- cranes. (1) As used in this section, "crane" means a self-propelled single-unit vehicle consisting of not more than four axles and used for raising, shifting, and lowering heavy weights by means of a projecting swinging arm.

(2) Except as provided in subsections (3)(b), (3)(d), and (6), in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit issued for size and weight in excess of that specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(3) (a) Except as provided in subsections (3)(b), (3)(d), (6), and (7), term or blanket permits may not be

issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; and an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet, or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length, and the long semitrailer cargo unit of the combination may not exceed 48 feet in length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (6) and (7). Special permits for vehicle combinations may specify and special permits under subsections (6) and (7) must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection

1 (3)(a). The fee for this permit is \$75. This permit covers a
2 period of 1 year and expires on December 31 of each year,
3 with no grace period.

4 (c) With payment of the appropriate gross weight fees
5 required by 61-10-201 and 61-10-202 and with payment of the
6 fee prescribed in subsection (2), allowable gross weight of
7 a five-axle combination logging vehicle is 80,000 pounds.

8 (d) A term permit may be issued for any combination of
9 vehicles that exceeds 95 feet in length but does not exceed
10 100 feet in combination length, except a
11 truck-trailer-trailer or a truck
12 tractor-semitrailer-trailer-trailer combination, for travel
13 only on highways that are part of the federal-aid interstate
14 system, as defined in 60-1-103, or on other highways within
15 a 2-mile radius of an interchange on the interstate system
16 in order to obtain necessary services or to load or unload
17 at a terminal. When a terminal is beyond a 2-mile radius,
18 the department may authorize travel between the terminal and
19 the interchange. The fee for this permit is \$125.

20 (4) Except as provided in subsection (3)(b), a permit
21 may not be issued for a period of time greater than the
22 period for which the GVW license is valid as provided in
23 this title, including grace periods allowed by this title.
24 Owners of vehicles licensed in other jurisdictions may, at
25 the discretion of the department of transportation, purchase

1 permits to expire with their registration. A license
2 required by the state governs the issuance of a special
3 permit.

4 (5) The owner or operator of a crane with a gross
5 vehicle weight of less than 80,000 pounds may purchase a
6 30-day special permit for overweight if the crane has a
7 current special mobile equipment identification plate and if
8 the department of transportation has approved the
9 configuration of the crane through a weight analysis
10 completed within the same calendar year. The permit is not
11 transferable, and the fee for the permit is \$200.

12 (6) The department may issue special permits to the
13 operating company for a truck-trailer-trailer or truck
14 tractor-semitrailer-trailer-trailer combination of vehicles
15 under the following conditions:

16 (a) the combination may be operated only on highways
17 that are part of the federal-aid interstate system as
18 defined in 60-1-103 and within a 2-mile radius of an
19 interchange on the interstate system on other highways only
20 in order to obtain necessary services or to load or unload
21 at a terminal. When a terminal is beyond a 2-mile radius,
22 the department may authorize travel between the terminal and
23 the interchange.

24 (b) a combination of vehicles powered by a cab-over
25 (tilt cab) type truck-tractor or a truck may not exceed

overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck-tractor may not exceed overall length of 110 feet, inclusive of front and rear bumpers and overhang;

(d) no an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102 inches in width;

(e) gross weight fees under 61-10-203 must be paid on the truck or truck tractor for the declared registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

(f) the combination must have a restricted route permit under 61-10-107(3) and a special overlength permit issued at a fee of \$200 for a term permit or \$20 for each trip permit;

(g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or seasonal periods; and

(h) the department may enforce any other restrictions determined by the department to be necessary. The permit is not transferable, and the fee for the permit is \$200.

(7) The department of transportation may issue special permits under subsection (6) for vehicle combinations consisting of a truck-trailer-trailer if:

(a) the vehicle combination's overall length inclusive of front and rear bumpers is not more than 95 feet;

(b) a person, firm, or corporation applying for a permit under this subsection (7) operated the truck-trailer-trailer combination before July 1, 1987;

(c) truck-trailer-trailer operations are restricted to the specified routes those vehicles operated on before July 1, 1987; and

(d) a person, firm, or corporation applying for a permit provides the department of transportation with an affidavit designating the routes the vehicle operated on before July 1, 1987."

Section 8. Section 61-10-126, MCA, is amended to read:

"61-10-126. Deposit of fees. All fees collected under 61-10-101 through 61-10-104 and 61-10-106 through 61-10-125 ~~shall~~ must be forwarded to the state treasurer for deposit in the state highway account in the state special revenue fund."

Section 9. 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 61-10-104 and 61-10-106 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

1 prohibit the operation of or impose restrictions on the
 2 weight and speed of a vehicle traveling on a public highway
 3 under its respective jurisdiction and for which it is
 4 responsible for maintenance whenever the highway will be
 5 seriously damaged or destroyed by deterioration, rain, snow,
 6 or other climatic conditions, unless the use of vehicles on
 7 the highway is prohibited or the permissible vehicle weights
 8 and speed are reduced. The department of transportation or
 9 the authority which that enacts the ordinance or resolution
 10 shall erect signs designating the department's order or the
 11 authority's ordinance or resolution at each end of that
 12 portion of the highway affected, and the order or ordinance
 13 or resolution is not effective until the signs are erected.
 14 The department, or the authority by ordinance or resolution,
 15 may prohibit the operation of trucks or other commercial
 16 vehicles, or impose limitations on their weight on
 17 designated highways, subject to the provisions of subsection
 18 (3). These prohibitions and limitations ~~shall~~ must be
 19 designated by appropriate signs placed on the highways.

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

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

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

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

7 (4) A permit issued under subsection (3) may be revoked
 8 for violating any condition of the permit. (Terminates June
 9 30, 1993--sec. 2, Ch. 476, L. 1991.)

10 61-10-128. (Effective July 1, 1993) When authorities
 11 ~~may~~ restrict right to use roadway. (1) A local authority may
 12 not alter the limitations provided in 61-10-101 through
 13 61-10-104 and 61-10-106 through 61-10-110 or substitute
 14 other limitations or requirements, except as provided in
 15 this section.

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

Section 10. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads -- enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds. (1) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles as defined in 61-1-132, either by means of portable or stationary scales, and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person may then require the driver to unload immediately that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum

allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

(2) Commodities and material unloaded as required by this section ~~shall~~ must be cared for and removed from the highway right-of-way by the owner or operator of the vehicle at the risk of that owner or operator. The removal ~~shall~~ must be within a reasonable time designated by the person who has compelled the unloading.

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks under 8,000 pounds G.V.W. and recreational vehicles as defined in 61-1-132 (that are not new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer), to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements.

(4) The department of transportation shall work with the highway patrol in the enforcement of safety standards adopted pursuant to 44-1-1005. For the purposes of the joint enforcement, the highway patrol is designated as the lead agency. The highway patrol and the department of transportation shall cooperate to ~~assure~~ ensure minimum duplication and maximum coordination of enforcement effort.

(5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department of transportation shall designate employees as peace officers. The designated employees must be employed in the administration of the gross vehicle weight functions of the department of transportation. Each employee designated as a peace officer may:

(a) issue citations and make arrests in connection with violations of safety standards adopted under 44-1-1005;

(b) issue summons;

(c) accept bail;

(d) serve warrants for arrest;

(e) make reasonable inspections of cargo carried by commercial motor vehicles;

(f) make reasonable safety inspections of commercial motor vehicles utilized by motor carriers; and

(g) require production of documents relating to the cargo, driver, routing, or ownership of such commercial motor vehicles.

(6) In addition to other enforcement duties assigned under this section, an employee of the department of transportation has:

(a) the same authority to enforce provisions of the motor carriers law as that granted the public service commission under 69-12-203; and

(b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of lading was obtained."

Section 11. Section 61-10-144, MCA, is amended to read:

"61-10-144. Violation of standards -- tolerance. (1) It is a misdemeanor for a person, firm, or corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

(2) However, the operator of a vehicle or combination of vehicles may move over the highways to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable total gross weight limitations by more than 5%, or 7% if the vehicle or combination of vehicles is transporting livestock, and if the weight carried by any axle or combination of axles does not exceed the allowable axle weight limitations by more than 5%, or 7% if the vehicle or combination of vehicles is transporting livestock. In the event the vehicle or combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than 5%, or 7% if the

1 vehicle or combination of vehicles is transporting
 2 livestock, the department may issue a single trip permit for
 3 the fee of \$10 for allowing ~~said the~~ vehicle or combination
 4 of vehicles to move over the highways to the first facility
 5 where its load can be safely adjusted or to its destination.
 6 Violations of total gross or axle weight limitations in
 7 excess of 5%, or 7% if the vehicle or combination of
 8 vehicles is transporting livestock, are subject to the fines
 9 provided in 61-10-145, and all loads in excess of 5% of the
 10 total gross or axle weight limitations, or 7% if the vehicle
 11 or combination of vehicles is transporting livestock, must
 12 be adjusted or reduced to conform to the size and weight
 13 limitations before the vehicle or combination of vehicles is
 14 moved from the point of weighing.

15 (3) An operator of a vehicle or combination of vehicles
 16 subject to the provisions of 61-10-107(4) may move over a
 17 highway, except any highway which ~~that~~ is part of the
 18 federal-aid interstate system, within a 50-mile radius of
 19 the harvested field to the point of first unloading without
 20 incurring the excess weight penalties set forth in 61-10-145
 21 if the total gross weight of the vehicle or combination of
 22 vehicles does not exceed allowable weight limitations by
 23 more than 20% per axle, but the maximum load per inch of
 24 tire width may not exceed 670 pounds. The vehicle or
 25 combination of vehicles may not exceed 40 miles per hour. No

1 ~~single A single~~ trip permit as required in subsection (2)
 2 ~~shall-be~~ is not applicable to such vehicle or combination of
 3 vehicles. When ~~such the~~ vehicle or combination of vehicles
 4 violates any of the provisions of this subsection, the fine
 5 or penalty imposed ~~shall-apply~~ applies to that portion of
 6 the load above the legal limit."

7 **Section 12.** Section 61-10-145, MCA, is amended to read:

8 "61-10-145. Penalties. (1) A person, firm, or
 9 corporation convicted of violating 61-10-101 through
 10 61-10-104 and 61-10-106 through 61-10-110 shall be punished
 11 by a fine of not less than \$30 or more than \$100. A person,
 12 firm, or corporation convicted of operating a motor vehicle
 13 upon the public highways of this state with weight upon a
 14 wheel, axle, or group of axles greater than the maximum
 15 permitted by 61-10-101 through 61-10-104 and 61-10-106
 16 through 61-10-110 shall be fined, in addition to other
 17 penalties provided by law for the offense, the following
 18 amounts:

19 (a) \$30 for any excess weight up to and including 2,000
 20 pounds;

21 (b) \$50 for any excess weight more than 2,000 pounds
 22 and less than 4,001 pounds;

23 (c) \$70 for any excess weight more than 4,000 pounds
 24 and less than 6,001 pounds;

25 (d) \$100 for any excess weight more than 6,000 pounds

and less than 8,001 pounds;

(e) \$160 for any excess weight more than 8,000 pounds and less than 10,001 pounds;

(f) \$220 for any excess weight more than 10,000 pounds and less than 12,001 pounds;

(g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;

(h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;

(i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;

(j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;

(k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;

(l) \$2,000 for any excess weight more than 25,000 pounds.

(2) If a motor vehicle is equipped with a retractable axle that is not fully extended and carrying its proportionate share of the load while the motor vehicle is operated upon the highways of this state, the weight penalties in subsection (1) apply to all weight over the legal maximum allowed by the fixed axles regardless of whether the axle is extended at the time of weighing. In addition to the penalties in subsection (1), the owner or

operator shall be fined \$100 for failure to have the retractable axle fully extended while the gross weight of the vehicle exceeds the legal maximum allowed by the fixed axles.

(3) A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must specify the amount of the overweight that the defendant is alleged to have had upon the vehicle or combination of vehicles.

(4) The penalties in subsection (1) do not apply to an operator who fails to secure a special permit as provided for in 61-10-107(3) if the vehicle or combination of vehicles is not overweight with such a permit. The failure to obtain the special permit is punishable under 61-10-146 and under this section as provided in 61-10-146, and the operator is required to purchase the permit. If the vehicle or combination of vehicles exceeds the weight limitations allowed by special permit and the operator fails to obtain a permit under 61-10-107(3), the penalties of subsection (1) apply to the weight exceeding 80,000 pounds.

(5) It is a misdemeanor, punishable as provided in 46-18-212, for a person, firm, or corporation to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142."

Section 13. Section 61-10-201, MCA, is amended to read:

"61-10-201. Gross weight fees on motortrucks and truck tractors. In addition to other fees for the licensing of vehicles, there ~~shall~~ must be paid and collected annually for each truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his the application, the following fees:

Schedule I

Up to 6,000 lbs.	\$ 7.50
6,001 through 8,000 lbs.	12.50
8,001 through 10,000 lbs.	17.50
10,001 through 12,000 lbs.	20.00
12,001 through 14,000 lbs.	22.50
14,001 through 16,000 lbs.	27.50
16,001 through 18,000 lbs.	37.50
18,001 through 20,000 lbs.	50.00
20,001 through 22,000 lbs.	62.50
22,001 through 24,000 lbs.	93.75
24,001 through 26,000 lbs.	125.00
26,001 through 28,000 lbs.	156.25
28,001 through 30,000 lbs.	206.25
30,001 through 32,000 lbs.	262.50
32,001 through 34,000 lbs.	318.75
34,001 through 36,000 lbs.	375.00
36,001 through 38,000 lbs.	431.25
38,001 through 40,000 lbs.	487.50

40,001 through 42,000 lbs. 543.75
 Over 42,000 lbs. and within the weight limits
 specified in 61-10-101 through 61-10-104 and 61-10-106
through 61-10-110 62.50
 per ton or fraction thereof of a ton."

Section 14. Section 61-10-202, MCA, is amended to read:

"61-10-202. Gross weight fees on trailers and semitrailers. In addition to other fees for the licensing of vehicles, there ~~shall~~ must be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight thereof as set by the licensee in his the application, except as otherwise provided, the following fees:

Schedule II

Trailers Other Than Housetrailers

Up to 2,500 lbs. for personal use	Exempt
Up to 2,500 lbs. for commercial use	\$ 3.75
2,501 through 6,000 lbs.	5.00
6,001 through 8,000 lbs.	15.00
8,001 through 10,000 lbs.	17.50
10,001 through 12,000 lbs.	20.00
12,001 through 14,000 lbs.	22.50
14,001 through 16,000 lbs.	27.50
16,001 through 18,000 lbs.	37.50
18,001 through 20,000 lbs.	50.00

1	20,001 through 22,000 lbs.	62.50
2	22,001 through 24,000 lbs.	93.75
3	24,001 through 26,000 lbs.	125.00
4	26,001 through 28,000 lbs.	156.25
5	28,001 through 30,000 lbs.	206.25
6	30,001 through 32,000 lbs.	262.50
7	32,001 through 34,000 lbs.	318.75
8	34,001 through 36,000 lbs.	375.00
9	36,001 through 38,000 lbs.	431.25
10	38,001 through 40,000 lbs.	487.50
11	40,001 through 42,000 lbs.	543.75
12	Over 42,000 lbs. and within the weight limits	
13	specified in 61-10-101 through <u>61-10-104</u> and <u>61-10-106</u>	
14	<u>through 61-10-110</u>	62.50
15	per ton or fraction thereof of a ton."	

16 **Section 15.** Section 61-10-210, MCA, is amended to read:

17 "61-10-210. Three unit combination -- fees in lieu of
 18 gross weight fees -- ~~marking~~. (1) Instead of the gross
 19 weight fees provided in 61-10-201 through 61-10-209, the
 20 owner of a motortruck or truck tractor used on the highways
 21 of the state in connection with two trailers or semitrailers
 22 at the same time shall register them as a ~~three-unit~~
 23 three-unit combination in the following manner by:

24 (a) paying the registration and other fees covering the
 25 maximum practical gross vehicle weight for the truck or

1 truck tractor, but not less than the actual operating gross
 2 weight under 61-3-303, 61-3-321, and 61-10-201;

3 (b) registering the trailers in accordance with
 4 61-3-303 and 61-3-321 and paying the gross vehicle weight
 5 fee prescribed for the maximum trailing load in accordance
 6 with 61-10-202 on the combined gross weight of the two
 7 trailers or semitrailers, treating them as if they were a
 8 single unit.

9 (2) This section does not authorize axle loads in
 10 excess to those established by 61-10-101 through 61-10-104
 11 and 61-10-106 through 61-10-110."

12 **NEW SECTION. Section 16. Repealer.** Section 61-10-105,
 13 MCA, is repealed.

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 294

INTRODUCED BY LARSON

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
CONCERNING VEHICLE LOADS; REDUCING THE MAXIMUM ALLOWABLE
WEIGHT ON AXLES EQUIPPED WITH SINGLE TIRES; AMENDING
SECTIONS 61-10-101, 61-10-107, 61-10-108, 61-10-109,
61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128,
61-10-141, 61-10-144, 61-10-145, 61-10-201, 61-10-202, AND
61-10-210, MCA; AND REPEALING SECTION 61-10-105, MCA; AND
PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 61-10-101, MCA, is amended to read:

"61-10-101. Standards of maximum dimensions, weights,
etc. The standards provided for in 61-10-102 through
61-10-104 and 61-10-106 through 61-10-110 govern the maximum
dimensions, weights, and other characteristics of motor
vehicles operating over the highways in the state to the
exclusion of other standards or other requirements
respecting the subject matter."

Section 2. Section 61-10-107, MCA, is amended to read:

"61-10-107. 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. An axle load is the total load
transmitted to the road by all wheels whose centers are
included between two parallel transverse vertical planes 40
inches apart, extending across the full width of the
vehicle. 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 must be determined by the formula:

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

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 the 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); all axles
bearing an axle load in excess of 10,000 pounds, except for
the steering axle or an axle equipped with wide-base tires,
must have at least four tires. In lieu of four tires per

1 axle, an axle may be equipped with wide-base tires. The
 2 maximum load on axles equipped with wide-base tires is
 3 limited to 450 pounds per inch of tire width. For the
 4 purposes of this section, wide-base tires are tires with a
 5 nominal width of 14 or more inches. All tires must be given
 6 credit for the nominal width when calculating allowable
 7 weight under this section.

8 (3) If the gross weight of a vehicle or combination
 9 exceeds 80,000 pounds, the vehicle or combination must have
 10 a special permit, which may be issued in the discretion of
 11 the department of transportation based on evaluation of
 12 safety, highway capacity, and economics of highway
 13 maintenance and vehicle operation. The fee is \$20 per trip
 14 permit or \$100 per term permit. A term permit may not be
 15 issued for a period of time greater than the period for
 16 which the GVW license is valid. Owners of vehicles licensed
 17 in other jurisdictions may, at the discretion of the
 18 department, purchase permits to expire with their
 19 registration. Permits may specify and permits issued under
 20 61-10-124(6) must specify highway routing.

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

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

6 **Section 3.** Section 61-10-108, MCA, is amended to read:

7 "61-10-108. Reduction under special circumstances. The
 8 maximum axle and axle group loads stated in ~~61-10-105~~
 9 61-10-107 are subject to reasonable reduction in the
 10 discretion of the department of transportation during
 11 periods when road subgrades have been weakened by water
 12 saturation or other causes."

13 **Section 4.** Section 61-10-109, MCA, is amended to read:

14 "61-10-109. Operation without special permits
 15 prohibited. The operation of vehicles or combinations of
 16 vehicles having dimensions or weights in excess of the
 17 maximum limits specified in 61-10-101 through 61-10-104 and
 18 61-10-106 through 61-10-108 is permitted only if authorized
 19 by special permit issued by the department of transportation
 20 or its agents or the highway patrol."

21 **Section 5.** Section 61-10-110, MCA, is amended to read:

22 "61-10-110. Federal law. Sections 61-10-101 through
 23 61-10-104 and 61-10-106 through 61-10-109 do not authorize,
 24 without a permit issued as provided by law, the operation of
 25 a combination of vehicles having a gross weight, axle load,

1 or size in excess of that authorized in those sections, or
 2 the operation of a combination of vehicles on the national
 3 system of interstate and defense highways having a gross
 4 weight or size in excess of that permitted by law in this
 5 state before July 1, 1956, or by federal law or regulation
 6 in excess thereof, which is adopted. If federal law allows
 7 establishment of size and weight limits in excess of those
 8 permitted in those sections, without penalty or denial of
 9 federal funds for highway purposes, the department of
 10 transportation may, by permit designating highway routing,
 11 authorize the movement on highways under its jurisdiction of
 12 vehicles or combinations of vehicles of a size or weight in
 13 excess of the limits provided for in those sections, but
 14 within the limits necessary to qualify for federal-aid
 15 highway funds."

16 **Section 6.** Section 61-10-121, MCA, is amended to read:

17 "61-10-121. Permits for excess size and weight. (1)
 18 Upon application and with good cause shown, the department
 19 of transportation and local authorities in their respective
 20 jurisdictions may issue telephonically or in writing a
 21 special permit authorizing the applicant to operate or move
 22 a vehicle, combination of vehicles, load, object, or other
 23 thing of a size or weight exceeding the maximum specified in
 24 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110
 25 upon a highway under the jurisdiction of and for the

1 maintenance of which the body granting the permit is
 2 responsible. However, only the department may issue permits
 3 for movement of a vehicle or combination of vehicles
 4 carrying built-up or reducible loads in excess of 9 feet in
 5 width or exceeding the length, height, or weight specified
 6 in 61-10-101 through 61-10-104 and 61-10-106 through
 7 61-10-110. This permit must be issued in the public
 8 interest. A carrier receiving this permit must have public
 9 liability and property damage insurance for the protection
 10 of the traveling public as a whole. A permit may not be
 11 issued for a period greater than the period for which the
 12 GVW license is valid, including grace periods, as provided
 13 in this title. Owners of vehicles licensed in other
 14 jurisdictions may, at the discretion of the department,
 15 purchase permits to expire with their registration. A
 16 license required by the state governs the issuance of a
 17 special permit. The department may issue to dealers in
 18 implements of husbandry and self-propelled machinery
 19 oversize permits, which may be transferred from unit to unit
 20 by the dealer, for the fee set forth in 61-10-124. These
 21 oversize permits may not restrict dealers in implements of
 22 husbandry and self-propelled machinery from traveling on a
 23 Saturday or Sunday and expire on December 31 of each year,
 24 with no grace period. For the purposes of this section, a
 25 dealer in implements of husbandry or self-propelled

machinery must be a resident of the state. A post-office box number is not a permanent address under this section.

(2) The applicant for a special permit shall specifically describe the powered vehicle or towing vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to be operated or moved and the particular state highways over which the vehicle, combination of vehicles, load, object, or other thing is to be moved and whether the permit is required for a single trip or for continuous operation."

Section 7. Section 61-10-124, MCA, is amended to read:

"61-10-124. Special permits -- fee -- cranes. (1) As used in this section, "crane" means a self-propelled single-unit vehicle consisting of not more than four axles and used for raising, shifting, and lowering heavy weights by means of a projecting swinging arm.

(2) Except as provided in subsections (3)(b), (3)(d), and (6), in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit issued for size and weight in excess of that specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must be paid for all movements under special permits on the public highways under the jurisdiction of the department of transportation.

(3) (a) Except as provided in subsections (3)(b),

(3)(d), (6), and (7), term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; and an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet, or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length, and the long semitrailer cargo unit of the combination may not exceed 48 feet in length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections (6) and (7). Special permits for vehicle combinations may specify and special permits under subsections (6) and (7) must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an

overwidth or overlength vehicle referred to in subsection (3)(a). The fee for this permit is \$75. This permit covers a period of 1 year and expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and 61-10-202 and with payment of the fee prescribed in subsection (2), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on highways that are part of the federal-aid interstate system, as defined in 60-1-103, or on other highways within a 2-mile radius of an interchange on the interstate system in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is \$125.

(4) Except as provided in subsection (3)(b), a permit may not be issued for a period of time greater than the period for which the GVW license is valid as provided in this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at

the discretion of the department of transportation, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit.

(5) The owner or operator of a crane with a gross vehicle weight of less than 80,000 pounds may purchase a 30-day special permit for overweight if the crane has a current special mobile equipment identification plate and if the department of transportation has approved the configuration of the crane through a weight analysis completed within the same calendar year. The permit is not transferable, and the fee for the permit is \$200.

(6) The department may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on highways that are part of the federal-aid interstate system as defined in 60-1-103 and within a 2-mile radius of an interchange on the interstate system on other highways only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange.

(b) a combination of vehicles powered by a cab-over

1 (tilt cab) type truck-tractor or a truck may not exceed
2 overall length of 105 feet, inclusive of front and rear
3 bumpers and overhang;

4 (c) a combination of vehicles powered by a conventional
5 truck-tractor may not exceed overall length of 110 feet,
6 inclusive of front and rear bumpers and overhang;

7 (d) no an individual cargo unit of the combination may
8 not exceed 28 1/2 feet in length and 102 inches in width;

9 (e) gross weight fees under 61-10-203 must be paid on
10 the truck or truck tractor for the declared registered gross
11 weight of the special vehicle combination, but not to exceed
12 the formula in 61-10-107;

13 (f) the combination must have a restricted route permit
14 under 61-10-107(3) and a special overlength permit issued at
15 a fee of \$200 for a term permit or \$20 for each trip permit;

16 (g) travel of the combination may be restricted to
17 specific routes, hours of operation, specific days, or
18 seasonal periods; and

19 (h) the department may enforce any other restrictions
20 determined by the department to be necessary. The permit is
21 not transferable, and the fee for the permit is \$200.

22 (7) The department of transportation may issue special
23 permits under subsection (6) for vehicle combinations
24 consisting of a truck-trailer-trailer if:

25 (a) the vehicle combination's overall length inclusive

1 of front and rear bumpers is not more than 95 feet;

2 (b) a person, firm, or corporation applying for a
3 permit under this subsection (7) operated the
4 truck-trailer-trailer combination before July 1, 1987;

5 (c) truck-trailer-trailer operations are restricted to
6 the specified routes those vehicles operated on before July
7 1, 1987; and

8 (d) a person, firm, or corporation applying for a
9 permit provides the department of transportation with an
10 affidavit designating the routes the vehicle operated on
11 before July 1, 1987."

12 **Section 8.** Section 61-10-126, MCA, is amended to read:

13 "61-10-126. Deposit of fees. All fees collected under
14 61-10-101 through 61-10-104 and 61-10-106 through 61-10-125
15 ~~shall~~ must be forwarded to the state treasurer for deposit
16 in the state highway account in the state special revenue
17 fund."

18 **Section 9.** Section 61-10-128, MCA, is amended to read:

19 "61-10-128. (Temporary) When authorities may restrict
20 right to use roadway. (1) Neither the department nor a local
21 authority may alter the limitations provided in 61-10-101
22 through 61-10-104 and 61-10-106 through 61-10-110 or
23 substitute other limitations or requirements, except as
24 provided in this section.

25 (2) The department of transportation by order, or a

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

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

25 (a) the vehicle is being operated within its legal

1 licensed gross vehicle weight;

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

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

8 (4) A permit issued under subsection (3) may be revoked
 9 for violating any condition of the permit. (Terminates June
 10 30, 1993--sec. 2, Ch. 476, L. 1991.)

11 61-10-128. (Effective July 1, 1993) When authorities
 12 may restrict right to use roadway. (1) A local authority may
 13 not alter the limitations provided in 61-10-101 through
 14 61-10-104 and 61-10-106 through 61-10-110 or substitute
 15 other limitations or requirements, except as provided in
 16 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~~ that enacts the ordinance or resolution
 3 shall 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. These prohibitions and limitations
 11 ~~shall~~ must be designated by appropriate signs placed on the
 12 highways."

13 **Section 10.** Section 61-10-141, MCA, is amended to read:

14 "61-10-141. Officers authorized to weigh vehicles and
 15 require removal of excessive loads -- enforcement of motor
 16 carrier safety standards -- duty to obtain bills of lading
 17 for agricultural seeds. (1) A peace officer, officer of the
 18 highway patrol, or employee of the department of
 19 transportation may weigh any vehicle regulated by 61-10-101
 20 through 61-10-104 and 61-10-106 through 61-10-110, except
 21 recreational vehicles as defined in 61-1-132, either by
 22 means of portable or stationary scales, and may require that
 23 the vehicle be driven to the nearest scales if those scales
 24 are within 2 miles. That person may then require the driver
 25 to unload immediately that portion of the load necessary to

1 decrease the weight of the vehicle to conform to the maximum
 2 allowable weights specified in 61-10-101 through 61-10-104
 3 and 61-10-106 through 61-10-110.

4 (2) Commodities and material unloaded as required by
 5 this section ~~shall~~ must be cared for and removed from the
 6 highway right-of-way by the owner or operator of the vehicle
 7 at the risk of that owner or operator. The removal ~~shall~~
 8 must be within a reasonable time designated by the person
 9 who has compelled the unloading.

10 (3) The department of transportation may establish,
 11 maintain, and operate weigh stations, either intermittently
 12 or on a continuous schedule, and may require vehicles,
 13 except passenger cars and pickup trucks under 8,000 pounds
 14 G.V.W. and recreational vehicles as defined in 61-1-132
 15 (that are not new or used recreational vehicles traveling
 16 into or through Montana for delivery to a distributor or a
 17 dealer), to enter for the purpose of weighing and inspection
 18 for compliance with all laws pertaining to their operation
 19 and safety requirements.

20 (4) The department of transportation shall work with
 21 the highway patrol in the enforcement of safety standards
 22 adopted pursuant to 44-1-1005. For the purposes of the joint
 23 enforcement, the highway patrol is designated as the lead
 24 agency. The highway patrol and the department of
 25 transportation shall cooperate to assure ensure minimum

1 duplication and maximum coordination of enforcement effort.

2 (5) In order to enforce compliance with safety
3 standards adopted pursuant to 44-1-1005, the department of
4 transportation shall designate employees as peace officers.
5 The designated employees must be employed in the
6 administration of the gross vehicle weight functions of the
7 department of transportation. Each employee designated as a
8 peace officer may:

9 (a) issue citations and make arrests in connection with
10 violations of safety standards adopted under 44-1-1005;

11 (b) issue summons;

12 (c) accept bail;

13 (d) serve warrants for arrest;

14 (e) make reasonable inspections of cargo carried by
15 commercial motor vehicles;

16 (f) make reasonable safety inspections of commercial
17 motor vehicles utilized by motor carriers; and

18 (g) require production of documents relating to the
19 cargo, driver, routing, or ownership of such commercial
20 motor vehicles.

21 (6) In addition to other enforcement duties assigned
22 under this section, an employee of the department of
23 transportation has:

24 (a) the same authority to enforce provisions of the
25 motor carriers law as that granted the public service

1 commission under 69-12-203; and

2 (b) the duty to secure or make copies, or both, of all
3 bills of lading or other evidence of delivery for shipment
4 of agricultural seeds as defined in 80-5-120 that have been
5 sold or are intended for sale in Montana and to forward the
6 copies to the department of agriculture within 24 hours of
7 the date the bill of lading was obtained."

8 **Section 11.** Section 61-10-144, MCA, is amended to read:

9 "61-10-144. Violation of standards -- tolerance. (1) It
10 is a misdemeanor for a person, firm, or corporation to
11 violate any provision of 61-10-101 through 61-10-104 and
12 61-10-106 through 61-10-110.

13 (2) However, the operator of a vehicle or combination
14 of vehicles may move over the highways to the first open
15 state scale, permanent or portable, without incurring the
16 excess weight penalties set forth in 61-10-145 if the total
17 gross weight of the vehicle or combination of vehicles does
18 not exceed allowable total gross weight limitations by more
19 than 5%, or 7% if the vehicle or combination of vehicles is
20 transporting livestock, and if the weight carried by any
21 axle or combination of axles does not exceed the allowable
22 axle weight limitations by more than 5%, or 7% if the
23 vehicle or combination of vehicles is transporting
24 livestock. In the event the vehicle or combination of
25 vehicles is not in excess of the allowable total gross or

axle weight limitations by more than 5%, or 7% if the vehicle or combination of vehicles is transporting livestock, the department may issue a single trip permit for the fee of \$10 for allowing said the vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of 5%, or 7% if the vehicle or combination of vehicles is transporting livestock, are subject to the fines provided in 61-10-145, and all loads in excess of 5% of the total gross or axle weight limitations, or 7% if the vehicle or combination of vehicles is transporting livestock, must be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing.

(3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4) may move over a highway, except any highway which that is part of the federal-aid interstate system, within a 50-mile radius of the harvested field to the point of first unloading without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20% per axle, but the maximum load per inch of tire width may not exceed 670 pounds. The vehicle or

combination of vehicles may not exceed 40 miles per hour. No single A single trip permit as required in subsection (2) ~~shall be~~ is not applicable to such vehicle or combination of vehicles. When such the vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed ~~shall apply~~ applies to that portion of the load above the legal limit."

Section 12. Section 61-10-145, MCA, is amended to read:

"61-10-145. Penalties. (1) A person, firm, or corporation convicted of violating 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 shall be punished by a fine of not less than \$30 or more than \$100. A person, firm, or corporation convicted of operating a motor vehicle upon the public highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum permitted by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 shall be fined, in addition to other penalties provided by law for the offense, the following amounts:

(a) \$30 for any excess weight up to and including 2,000 pounds;

(b) \$50 for any excess weight more than 2,000 pounds and less than 4,001 pounds;

(c) \$70 for any excess weight more than 4,000 pounds and less than 6,001 pounds;

- 1 (d) \$100 for any excess weight more than 6,000 pounds
 2 and less than 8,001 pounds;
 3 (e) \$160 for any excess weight more than 8,000 pounds
 4 and less than 10,001 pounds;
 5 (f) \$220 for any excess weight more than 10,000 pounds
 6 and less than 12,001 pounds;
 7 (g) \$300 for any excess weight more than 12,000 pounds
 8 and less than 14,001 pounds;
 9 (h) \$400 for any excess weight more than 14,000 pounds
 10 and less than 16,001 pounds;
 11 (i) \$500 for any excess weight more than 16,000 pounds
 12 and less than 18,001 pounds;
 13 (j) \$600 for any excess weight more than 18,000 pounds
 14 and less than 20,001 pounds;
 15 (k) \$1,000 for any excess weight more than 20,000
 16 pounds and less than 25,001 pounds;
 17 (l) \$2,000 for any excess weight more than 25,000
 18 pounds.
 19 (2) If a motor vehicle is equipped with a retractable
 20 axle that is not fully extended and carrying its
 21 proportionate share of the load while the motor vehicle is
 22 operated upon the highways of this state, the weight
 23 penalties in subsection (1) apply to all weight over the
 24 legal maximum allowed by the fixed axles regardless of
 25 whether the axle is extended at the time of weighing. In

1 addition to the penalties in subsection (1), the owner or
 2 operator shall be fined \$100 for failure to have the
 3 retractable axle fully extended while the gross weight of
 4 the vehicle exceeds the legal maximum allowed by the fixed
 5 axles.

6 (3) A complaint filed and a summons or notice to appear
 7 issued pertaining to a violation of the gross weight
 8 regulations in 61-10-101 through 61-10-104 and 61-10-106
 9 through 61-10-110 must specify the amount of the overweight
 10 that the defendant is alleged to have had upon the vehicle
 11 or combination of vehicles.

12 (4) The penalties in subsection (1) do not apply to an
 13 operator who fails to secure a special permit as provided
 14 for in 61-10-107(3) if the vehicle or combination of
 15 vehicles is not overweight with such a permit. The failure
 16 to obtain the special permit is punishable under 61-10-146
 17 and under this section as provided in 61-10-146, and the
 18 operator is required to purchase the permit. If the vehicle
 19 or combination of vehicles exceeds the weight limitations
 20 allowed by special permit and the operator fails to obtain a
 21 permit under 61-10-107(3), the penalties of subsection (1)
 22 apply to the weight exceeding 80,000 pounds.

23 (5) It is a misdemeanor, punishable as provided in
 24 46-18-212, for a person, firm, or corporation to violate any
 25 of the provisions of 61-10-123, 61-10-141, or 61-10-142."

Section 13. Section 61-10-201, MCA, is amended to read:

"61-10-201. Gross weight fees on motortrucks and truck tractors. In addition to other fees for the licensing of vehicles, there shall must be paid and collected annually for each truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his the application, the following fees:

Schedule I

Up to 6,000 lbs.	\$ 7.50
6,001 through 8,000 lbs.	12.50
8,001 through 10,000 lbs.	17.50
10,001 through 12,000 lbs.	20.00
12,001 through 14,000 lbs.	22.50
14,001 through 16,000 lbs.	27.50
16,001 through 18,000 lbs.	37.50
18,001 through 20,000 lbs.	50.00
20,001 through 22,000 lbs.	62.50
22,001 through 24,000 lbs.	93.75
24,001 through 26,000 lbs.	125.00
26,001 through 28,000 lbs.	156.25
28,001 through 30,000 lbs.	206.25
30,001 through 32,000 lbs.	262.50
32,001 through 34,000 lbs.	318.75
34,001 through 36,000 lbs.	375.00
36,001 through 38,000 lbs.	431.25

38,001 through 40,000 lbs.	487.50
40,001 through 42,000 lbs.	543.75
Over 42,000 lbs. and within the weight limits specified in 61-10-101 through <u>61-10-104 and 61-10-106</u> <u>through 61-10-110</u>	62.50
per ton or fraction thereof <u>of a ton.</u> "	

Section 14. Section 61-10-202, MCA, is amended to read:

"61-10-202. Gross weight fees on trailers and semitrailers. In addition to other fees for the licensing of vehicles, there shall must be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight thereof as set by the licensee in his the application, except as otherwise provided, the following fees:

Schedule II

Trailers Other Than Housetrailers

Up to 2,500 lbs. for personal use	Exempt
Up to 2,500 lbs. for commercial use	\$ 3.75
2,501 through 6,000 lbs.	5.00
6,001 through 8,000 lbs.	15.00
8,001 through 10,000 lbs.	17.50
10,001 through 12,000 lbs.	20.00
12,001 through 14,000 lbs.	22.50
14,001 through 16,000 lbs.	27.50
16,001 through 18,000 lbs.	37.50

1 18,001 through 20,000 lbs. 50.00
 2 20,001 through 22,000 lbs. 62.50
 3 22,001 through 24,000 lbs. 93.75
 4 24,001 through 26,000 lbs. 125.00
 5 26,001 through 28,000 lbs. 156.25
 6 28,001 through 30,000 lbs. 206.25
 7 30,001 through 32,000 lbs. 262.50
 8 32,001 through 34,000 lbs. 318.75
 9 34,001 through 36,000 lbs. 375.00
 10 36,001 through 38,000 lbs. 431.25
 11 38,001 through 40,000 lbs. 487.50
 12 40,001 through 42,000 lbs. 543.75
 13 Over 42,000 lbs. and within the weight limits
 14 specified in 61-10-101 through 61-10-104 and 61-10-106
 15 through 61-10-110 62.50
 16 per ton or fraction thereof of a ton."

17 **Section 15.** Section 61-10-210, MCA, is amended to read:

18 "61-10-210. Three unit combination -- fees in lieu of
 19 gross weight fees -- marking. (1) Instead of the gross
 20 weight fees provided in 61-10-201 through 61-10-209, the
 21 owner of a motortruck or truck tractor used on the highways
 22 of the state in connection with two trailers or semitrailers
 23 at the same time shall register them as a three--unit
 24 three-unit combination in the following manner by:

25 (a) paying the registration and other fees covering the

1 maximum practical gross vehicle weight for the truck or
 2 truck tractor, but not less than the actual operating gross
 3 weight under 61-3-303, 61-3-321, and 61-10-201;

4 (b) registering the trailers in accordance with
 5 61-3-303 and 61-3-321 and paying the gross vehicle weight
 6 fee prescribed for the maximum trailing load in accordance
 7 with 61-10-202 on the combined gross weight of the two
 8 trailers or semitrailers, treating them as if they were a
 9 single unit.

10 (2) This section does not authorize axle loads in
 11 excess to those established by 61-10-101 through 61-10-104
 12 and 61-10-106 through 61-10-110."

13 **NEW SECTION. Section 16.** Repealer. Section 61-10-105,
 14 MCA, is repealed.

15 **NEW SECTION. SECTION 17.** EFFECTIVE DATE. [THIS ACT] IS
 16 EFFECTIVE JANUARY 1, 1995.

-End-

HOUSE BILL NO. 294

INTRODUCED BY LARSON

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW CONCERNING VEHICLE LOADS; REDUCING THE MAXIMUM ALLOWABLE WEIGHT ON AXLES EQUIPPED WITH SINGLE TIRES; AMENDING SECTIONS 61-10-101, 61-10-107, 61-10-108, 61-10-109, 61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128, 61-10-141, 61-10-144, 61-10-145, 61-10-201, 61-10-202, AND 61-10-210, MCA; AND REPEALING SECTION 61-10-105, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 61-10-101, MCA, is amended to read:

"61-10-101. Standards of maximum dimensions, weights, etc. The standards provided for in 61-10-102 through 61-10-104 and 61-10-106 through 61-10-110 govern the maximum dimensions, weights, and other characteristics of motor vehicles operating over the highways in the state to the exclusion of other standards or other requirements respecting the subject matter."

Section 2. Section 61-10-107, MCA, is amended to read:

"61-10-107. 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. An axle load is the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. 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 must be determined by the formula:

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

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 the 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); all axles bearing an axle load in excess of 10,000 pounds, except for the steering axle or an axle equipped with wide base tires, must have at least four tires in lieu of four tires per~~

~~axle; an axle may be equipped with wide base tires. The maximum load on axles equipped with wide base tires is limited to 450 pounds per inch of tire width. For the purposes of this section, wide base tires are tires with a nominal width of 14 or more inches. All tires must be given credit for the nominal width when calculating allowable weight under this section. ITS MAXIMUM LOAD PER INCH OF TIRE WIDTH, EXCLUDING THE STEERING AXLE, MAY NOT EXCEED 500 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 transportation based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation. The fee is \$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(6) 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 is for the full term of the harvest season of the agricultural product transported.

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

Section 3. Section 61-10-108, MCA, is amended to read:

"61-10-108. Reduction under special circumstances. The maximum axle and axle group loads stated in ~~61-10-105~~ 61-10-107 are subject to reasonable reduction in the discretion of the department of transportation during periods when road subgrades have been weakened by water saturation or other causes."

Section 4. Section 61-10-109, MCA, is amended to read:

"61-10-109. Operation without special permits prohibited. The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special permit issued by the department of transportation or its agents or the highway patrol."

Section 5. Section 61-10-110, MCA, is amended to read:

"61-10-110. Federal law. Sections 61-10-101 through 61-10-104 and 61-10-106 through 61-10-109 do not authorize,

without a permit issued as provided by law, the operation of a combination of vehicles having a gross weight, axle load, or size in excess of that authorized in those sections, or the operation of a combination of vehicles on the national system of interstate and defense highways having a gross weight or size in excess of that permitted by law in this state before July 1, 1956, or by federal law or regulation in excess thereof, which is adopted. If federal law allows establishment of size and weight limits in excess of those permitted in those sections, without penalty or denial of federal funds for highway purposes, the department of transportation may, by permit designating highway routing, authorize the movement on highways under its jurisdiction of vehicles or combinations of vehicles of a size or weight in excess of the limits provided for in those sections, but within the limits necessary to qualify for federal-aid highway funds."

Section 6. Section 61-10-121, MCA, is amended to read:

"61-10-121. Permits for excess size and weight. (1)

Upon application and with good cause shown, the department of transportation and local authorities in their respective jurisdictions may issue telephonically or in writing a special permit authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified in

61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. However, only the department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. This permit must be issued in the public interest. A carrier receiving this permit must have public liability and property damage insurance for the protection of the traveling public as a whole. A permit may not be issued for a period greater than the period for which the GVW license is valid, including grace periods, as provided in this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit. The department may issue to dealers in implements of husbandry and self-propelled machinery oversize permits, which may be transferred from unit to unit by the dealer, for the fee set forth in 61-10-124. These oversize permits may not restrict dealers in implements of husbandry and self-propelled machinery from traveling on a Saturday or Sunday and expire on December 31 of each year,

1 with no grace period. For the purposes of this section, a
2 dealer in implements of husbandry or self-propelled
3 machinery must be a resident of the state. A post-office box
4 number is not a permanent address under this section.

5 (2) The applicant for a special permit shall
6 specifically describe the powered vehicle or towing vehicle
7 and generally describe the type of vehicle, combination of
8 vehicles, load, object, or other thing to be operated or
9 moved and the particular state highways over which the
10 vehicle, combination of vehicles, load, object, or other
11 thing is to be moved and whether the permit is required for
12 a single trip or for continuous operation."

13 **Section 7.** Section 61-10-124, MCA, is amended to read:

14 "61-10-124. Special permits -- fee -- cranes. (1) As
15 used in this section, "crane" means a self-propelled
16 single-unit vehicle consisting of not more than four axles
17 and used for raising, shifting, and lowering heavy weights
18 by means of a projecting swinging arm.

19 (2) Except as provided in subsections (3)(b), (3)(d),
20 and (6), in addition to the regular registration and gross
21 vehicle weight fees, a fee of \$10 for each trip permit and a
22 fee of \$75 for each term permit issued for size and weight
23 in excess of that specified in 61-10-101 through 61-10-104
24 and 61-10-106 through 61-10-110 must be paid for all
25 movements under special permits on the public highways under

1 the jurisdiction of the department of transportation.

2 (3) (a) Except as provided in subsections (3)(b),
3 (3)(d), (6), and (7), term or blanket permits may not be
4 issued for an overwidth vehicle, combination of vehicles,
5 load, or other thing in excess of 15 feet; an overlength
6 vehicle, combination of vehicles, load, object, or other
7 thing in excess of 95 feet; and an overheight vehicle,
8 combination of vehicles, load, or other thing in excess of
9 14 feet; or of a limit determined by the department. A
10 vehicle, combination of vehicles, load, or other thing in
11 excess of these dimensions is limited to trip permits. A
12 Rocky Mountain double may not exceed 81 feet in combined
13 trailer length, and the long semitrailer cargo unit of the
14 combination may not exceed 48 feet in length. A Rocky
15 Mountain double is not subject to a combination length
16 limit. Special permits for vehicle combinations of more than
17 two trailers or more than two units designed for or used to
18 carry a load are not permitted except as provided in
19 subsections (6) and (7). Special permits for vehicle
20 combinations may specify and special permits under
21 subsections (6) and (7) must specify highway routing and
22 otherwise limit or prescribe conditions of operation of the
23 vehicle or combination, including but not limited to
24 required equipment, speed, stability, operational
25 procedures, and insurance.

(b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection (3)(a). The fee for this permit is \$75. This permit covers a period of 1 year and expires on December 31 of each year, with no grace period.

(c) With payment of the appropriate gross weight fees required by 61-10-201 and 61-10-202 and with payment of the fee prescribed in subsection (2), allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

(d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on highways that are part of the federal-aid interstate system, as defined in 60-1-103, or on other highways within a 2-mile radius of an interchange on the interstate system in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is \$125.

(4) Except as provided in subsection (3)(b), a permit may not be issued for a period of time greater than the period for which the GVW license is valid as provided in

this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of transportation, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit.

(5) The owner or operator of a crane with a gross vehicle weight of less than 80,000 pounds may purchase a 30-day special permit for overweight if the crane has a current special mobile equipment identification plate and if the department of transportation has approved the configuration of the crane through a weight analysis completed within the same calendar year. The permit is not transferable, and the fee for the permit is \$200.

(6) The department may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

(a) the combination may be operated only on highways that are part of the federal-aid interstate system as defined in 60-1-103 and within a 2-mile radius of an interchange on the interstate system on other highways only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and

1 the interchange.

2 (b) a combination of vehicles powered by a cab-over
3 (tilt cab) type truck-tractor or a truck may not exceed
4 overall length of 105 feet, inclusive of front and rear
5 bumpers and overhang;

6 (c) a combination of vehicles powered by a conventional
7 truck-tractor may not exceed overall length of 110 feet,
8 inclusive of front and rear bumpers and overhang;

9 (d) no an individual cargo unit of the combination may
10 not exceed 28 1/2 feet in length and 102 inches in width;

11 (e) gross weight fees under 61-10-203 must be paid on
12 the truck or truck tractor for the declared registered gross
13 weight of the special vehicle combination, but not to exceed
14 the formula in 61-10-107;

15 (f) the combination must have a restricted route permit
16 under 61-10-107(3) and a special overlength permit issued at
17 a fee of \$200 for a term permit or \$20 for each trip permit;

18 (g) travel of the combination may be restricted to
19 specific routes, hours of operation, specific days, or
20 seasonal periods; and

21 (h) the department may enforce any other restrictions
22 determined by the department to be necessary. The permit is
23 not transferable, and the fee for the permit is \$200.

24 (7) The department of transportation may issue special
25 permits under subsection (6) for vehicle combinations

1 consisting of a truck-trailer-trailer if:

2 (a) the vehicle combination's overall length inclusive
3 of front and rear bumpers is not more than 95 feet;

4 (b) a person, firm, or corporation applying for a
5 permit under this subsection (7) operated the
6 truck-trailer-trailer combination before July 1, 1987;

7 (c) truck-trailer-trailer operations are restricted to
8 the specified routes those vehicles operated on before July
9 1, 1987; and

10 (d) a person, firm, or corporation applying for a
11 permit provides the department of transportation with an
12 affidavit designating the routes the vehicle operated on
13 before July 1, 1987."

14 **Section 8.** Section 61-10-126, MCA, is amended to read:

15 "61-10-126. Deposit of fees. All fees collected under
16 61-10-101 through 61-10-104 and 61-10-106 through 61-10-125
17 ~~shall~~ must be forwarded to the state treasurer for deposit
18 in the state highway account in the state special revenue
19 fund."

20 **Section 9.** Section 61-10-128, MCA, is amended to read:

21 "61-10-128. (Temporary) When authorities may restrict
22 right to use roadway. (1) Neither the department nor a local
23 authority may alter the limitations provided in 61-10-101
24 through 61-10-104 and 61-10-106 through 61-10-110 or
25 substitute other limitations or requirements, except as

1 provided in this section.

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

23 (3) Neither the department nor a local authority may
24 prohibit the operation of or impose a restriction on the
25 weight of a vehicle loaded with perishable seed potatoes

1 that is traveling on a public highway if:

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

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

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

10 (4) A permit issued under subsection (3) may be revoked
11 for violating any condition of the permit. (Terminates June
12 30, 1993--sec. 2, Ch. 476, L. 1991.)

13 61-10-128. (Effective July 1, 1993) When authorities
14 ~~may~~ restrict right to use roadway. (1) A local authority may
15 not alter the limitations provided in 61-10-101 through
16 61-10-104 and 61-10-106 through 61-10-110 or substitute
17 other limitations or requirements, except as provided in
18 this section.

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

1 or other climatic conditions, unless the use of vehicles on
 2 the highway is prohibited or the permissible vehicle weights
 3 and speed are reduced. The department of transportation or
 4 the authority which that enacts the ordinance or resolution
 5 shall erect signs designating the department's order or the
 6 authority's ordinance or resolution at each end of that
 7 portion of the highway affected, and the order or ordinance
 8 or resolution is not effective until the signs are erected.
 9 The department, or the authority by ordinance or resolution,
 10 may prohibit the operation of trucks or other commercial
 11 vehicles, or impose limitations on their weight on
 12 designated highways. These prohibitions and limitations
 13 shall must be designated by appropriate signs placed on the
 14 highways."

15 **Section 10.** Section 61-10-141, MCA, is amended to read:

16 "61-10-141. Officers authorized to weigh vehicles and
 17 require removal of excessive loads -- enforcement of motor
 18 carrier safety standards -- duty to obtain bills of lading
 19 for agricultural seeds. (1) A peace officer, officer of the
 20 highway patrol, or employee of the department of
 21 transportation may weigh any vehicle regulated by 61-10-101
 22 through 61-10-104 and 61-10-106 through 61-10-110, except
 23 recreational vehicles as defined in 61-1-132, either by
 24 means of portable or stationary scales, and may require that
 25 the vehicle be driven to the nearest scales if those scales

1 are within 2 miles. That person may then require the driver
 2 to unload immediately that portion of the load necessary to
 3 decrease the weight of the vehicle to conform to the maximum
 4 allowable weights specified in 61-10-101 through 61-10-104
 5 and 61-10-106 through 61-10-110.

6 (2) Commodities and material unloaded as required by
 7 this section shall must be cared for and removed from the
 8 highway right-of-way by the owner or operator of the vehicle
 9 at the risk of that owner or operator. The removal shall
 10 must be within a reasonable time designated by the person
 11 who has compelled the unloading.

12 (3) The department of transportation may establish,
 13 maintain, and operate weigh stations, either intermittently
 14 or on a continuous schedule, and may require vehicles,
 15 except passenger cars and pickup trucks under 8,000 pounds
 16 G.V.W. and recreational vehicles as defined in 61-1-132
 17 (that are not new or used recreational vehicles traveling
 18 into or through Montana for delivery to a distributor or a
 19 dealer), to enter for the purpose of weighing and inspection
 20 for compliance with all laws pertaining to their operation
 21 and safety requirements.

22 (4) The department of transportation shall work with
 23 the highway patrol in the enforcement of safety standards
 24 adopted pursuant to 44-1-1005. For the purposes of the joint
 25 enforcement, the highway patrol is designated as the lead

1 agency. The highway patrol and the department of
2 transportation shall cooperate to assure ensure minimum
3 duplication and maximum coordination of enforcement effort.

4 (5) In order to enforce compliance with safety
5 standards adopted pursuant to 44-1-1005, the department of
6 transportation shall designate employees as peace officers.
7 The designated employees must be employed in the
8 administration of the gross vehicle weight functions of the
9 department of transportation. Each employee designated as a
10 peace officer may:

11 (a) issue citations and make arrests in connection with
12 violations of safety standards adopted under 44-1-1005;

13 (b) issue summons;

14 (c) accept bail;

15 (d) serve warrants for arrest;

16 (e) make reasonable inspections of cargo carried by
17 commercial motor vehicles;

18 (f) make reasonable safety inspections of commercial
19 motor vehicles utilized by motor carriers; and

20 (g) require production of documents relating to the
21 cargo, driver, routing, or ownership of such commercial
22 motor vehicles.

23 (6) In addition to other enforcement duties assigned
24 under this section, an employee of the department of
25 transportation has:

1 (a) the same authority to enforce provisions of the
2 motor carriers law as that granted the public service
3 commission under 69-12-203; and

4 (b) the duty to secure or make copies, or both, of all
5 bills of lading or other evidence of delivery for shipment
6 of agricultural seeds as defined in 80-5-120 that have been
7 sold or are intended for sale in Montana and to forward the
8 copies to the department of agriculture within 24 hours of
9 the date the bill of lading was obtained."

10 **Section 11.** Section 61-10-144, MCA, is amended to read:

11 "61-10-144. Violation of standards -- tolerance. (1) It
12 is a misdemeanor for a person, firm, or corporation to
13 violate any provision of 61-10-101 through 61-10-104 and
14 61-10-106 through 61-10-110.

15 (2) However, the operator of a vehicle or combination
16 of vehicles may move over the highways to the first open
17 state scale, permanent or portable, without incurring the
18 excess weight penalties set forth in 61-10-145 if the total
19 gross weight of the vehicle or combination of vehicles does
20 not exceed allowable total gross weight limitations by more
21 than 5%, or 7% if the vehicle or combination of vehicles is
22 transporting livestock, and if the weight carried by any
23 axle or combination of axles does not exceed the allowable
24 axle weight limitations by more than 5%, or 7% if the
25 vehicle or combination of vehicles is transporting

1 livestock. In the event the vehicle or combination of
 2 vehicles is not in excess of the allowable total gross or
 3 axle weight limitations by more than 5%, or 7% if the
 4 vehicle or combination of vehicles is transporting
 5 livestock, the department may issue a single trip permit for
 6 the fee of \$10 for allowing ~~said~~ the vehicle or combination
 7 of vehicles to move over the highways to the first facility
 8 where its load can be safely adjusted or to its destination.
 9 Violations of total gross or axle weight limitations in
 10 excess of 5%, or 7% if the vehicle or combination of
 11 vehicles is transporting livestock, are subject to the fines
 12 provided in 61-10-145, and all loads in excess of 5% of the
 13 total gross or axle weight limitations, or 7% if the vehicle
 14 or combination of vehicles is transporting livestock, must
 15 be adjusted or reduced to conform to the size and weight
 16 limitations before the vehicle or combination of vehicles is
 17 moved from the point of weighing.

18 (3) An operator of a vehicle or combination of vehicles
 19 subject to the provisions of 61-10-107(4) may move over a
 20 highway, except any highway which that is part of the
 21 federal-aid interstate system, within a 50-mile radius of
 22 the harvested field to the point of first unloading without
 23 incurring the excess weight penalties set forth in 61-10-145
 24 if the total gross weight of the vehicle or combination of
 25 vehicles does not exceed allowable weight limitations by

1 more than 20% per axle, but the maximum load per inch of
 2 tire width may not exceed 670 pounds. The vehicle or
 3 combination of vehicles may not exceed 40 miles per hour. No
 4 ~~single~~ A single trip permit as required in subsection (2)
 5 ~~shall be~~ is not applicable to such vehicle or combination of
 6 vehicles. When such the vehicle or combination of vehicles
 7 violates any of the provisions of this subsection, the fine
 8 or penalty imposed ~~shall apply~~ applies to that portion of
 9 the load above the legal limit."

10 **Section 12.** Section 61-10-145, MCA, is amended to read:

11 "61-10-145. Penalties. (1) A person, firm, or
 12 corporation convicted of violating 61-10-101 through
 13 61-10-104 and 61-10-106 through 61-10-110 shall be punished
 14 by a fine of not less than \$30 or more than \$100. A person,
 15 firm, or corporation convicted of operating a motor vehicle
 16 upon the public highways of this state with weight upon a
 17 wheel, axle, or group of axles greater than the maximum
 18 permitted by 61-10-101 through 61-10-104 and 61-10-106
 19 through 61-10-110 shall be fined, in addition to other
 20 penalties provided by law for the offense, the following
 21 amounts:

22 (a) \$30 for any excess weight up to and including 2,000
 23 pounds;

24 (b) \$50 for any excess weight more than 2,000 pounds
 25 and less than 4,001 pounds;

(c) \$70 for any excess weight more than 4,000 pounds and less than 6,001 pounds;

(d) \$100 for any excess weight more than 6,000 pounds and less than 8,001 pounds;

(e) \$160 for any excess weight more than 8,000 pounds and less than 10,001 pounds;

(f) \$220 for any excess weight more than 10,000 pounds and less than 12,001 pounds;

(g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;

(h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;

(i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;

(j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;

(k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;

(l) \$2,000 for any excess weight more than 25,000 pounds.

(2) If a motor vehicle is equipped with a retractable axle that is not fully extended and carrying its proportionate share of the load while the motor vehicle is operated upon the highways of this state, the weight penalties in subsection (1) apply to all weight over the

legal maximum allowed by the fixed axles regardless of whether the axle is extended at the time of weighing. In addition to the penalties in subsection (1), the owner or operator shall be fined \$100 for failure to have the retractable axle fully extended while the gross weight of the vehicle exceeds the legal maximum allowed by the fixed axles.

(3) A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must specify the amount of the overweight that the defendant is alleged to have had upon the vehicle or combination of vehicles.

(4) The penalties in subsection (1) do not apply to an operator who fails to secure a special permit as provided for in 61-10-107(3) if the vehicle or combination of vehicles is not overweight with such a permit. The failure to obtain the special permit is punishable under 61-10-146 and under this section as provided in 61-10-146, and the operator is required to purchase the permit. If the vehicle or combination of vehicles exceeds the weight limitations allowed by special permit and the operator fails to obtain a permit under 61-10-107(3), the penalties of subsection (1) apply to the weight exceeding 80,000 pounds.

(5) It is a misdemeanor, punishable as provided in

46-18-212, for a person, firm, or corporation to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142."

Section 13. Section 61-10-201, MCA, is amended to read:

"61-10-201. Gross weight fees on motortrucks and truck tractors. In addition to other fees for the licensing of vehicles, there ~~shall~~ must be paid and collected annually for each truck and truck tractor, based upon the maximum gross loaded weight thereof as set by the licensee in his the application, the following fees:

Schedule I

Up to 6,000 lbs.	\$ 7.50
6,001 through 8,000 lbs.	12.50
8,001 through 10,000 lbs.	17.50
10,001 through 12,000 lbs.	20.00
12,001 through 14,000 lbs.	22.50
14,001 through 16,000 lbs.	27.50
16,001 through 18,000 lbs.	37.50
18,001 through 20,000 lbs.	50.00
20,001 through 22,000 lbs.	62.50
22,001 through 24,000 lbs.	93.75
24,001 through 26,000 lbs.	125.00
26,001 through 28,000 lbs.	156.25
28,001 through 30,000 lbs.	206.25
30,001 through 32,000 lbs.	262.50
32,001 through 34,000 lbs.	318.75

34,001 through 36,000 lbs.	375.00
36,001 through 38,000 lbs.	431.25
38,001 through 40,000 lbs.	487.50
40,001 through 42,000 lbs.	543.75
Over 42,000 lbs. and within the weight limits specified in 61-10-101 through <u>61-10-104 and 61-10-106 through 61-10-110</u>	62.50
per ton or fraction thereof of a ton."	

Section 14. Section 61-10-202, MCA, is amended to read:

"61-10-202. Gross weight fees on trailers and semitrailers. In addition to other fees for the licensing of vehicles, there ~~shall~~ must be paid and collected annually for each trailer and semitrailer, based upon the maximum gross loaded weight thereof as set by the licensee in his the application, except as otherwise provided, the following fees:

Schedule II

Trailers Other Than Housetrailers

Up to 2,500 lbs. for personal use	Exempt
Up to 2,500 lbs. for commercial use	\$ 3.75
2,501 through 6,000 lbs.	5.00
6,001 through 8,000 lbs.	15.00
8,001 through 10,000 lbs.	17.50
10,001 through 12,000 lbs.	20.00
12,001 through 14,000 lbs.	22.50

1	14,001 through 16,000 lbs.	27.50
2	16,001 through 18,000 lbs.	37.50
3	18,001 through 20,000 lbs.	50.00
4	20,001 through 22,000 lbs.	62.50
5	22,001 through 24,000 lbs.	93.75
6	24,001 through 26,000 lbs.	125.00
7	26,001 through 28,000 lbs.	156.25
8	28,001 through 30,000 lbs.	206.25
9	30,001 through 32,000 lbs.	262.50
10	32,001 through 34,000 lbs.	318.75
11	34,001 through 36,000 lbs.	375.00
12	36,001 through 38,000 lbs.	431.25
13	38,001 through 40,000 lbs.	487.50
14	40,001 through 42,000 lbs.	543.75
15	Over 42,000 lbs. and within the weight limits	
16	specified in 61-10-101 through <u>61-10-104</u> and <u>61-10-106</u>	
17	<u>through 61-10-110</u>	
18	per ton or fraction thereof <u>of a ton.</u> "	

19 **Section 15.** Section 61-10-210, MCA, is amended to read:
20 "61-10-210. Three unit combination -- fees in lieu of
21 gross weight fees -- marking. (1) Instead of the gross
22 weight fees provided in 61-10-201 through 61-10-209, the
23 owner of a motortruck or truck tractor used on the highways
24 of the state in connection with two trailers or semitrailers
25 at the same time shall register them as a three-unit

1 three-unit combination in the following manner by:

2 (a) paying the registration and other fees covering the
3 maximum practical gross vehicle weight for the truck or
4 truck tractor, but not less than the actual operating gross
5 weight under 61-3-303, 61-3-321, and 61-10-201;

6 (b) registering the trailers in accordance with
7 61-3-303 and 61-3-321 and paying the gross vehicle weight
8 fee prescribed for the maximum trailing load in accordance
9 with 61-10-202 on the combined gross weight of the two
10 trailers or semitrailers, treating them as if they were a
11 single unit.

12 (2) This section does not authorize axle loads in
13 excess to those established by 61-10-101 through 61-10-104
14 and 61-10-106 through 61-10-110."

15 **NEW SECTION. Section 16.** Repealer. Section 61-10-105,
16 MCA, is repealed.

17 **NEW SECTION. SECTION 17.** EFFECTIVE DATE. [THIS ACT] IS
18 EFFECTIVE JANUARY 1, 1995.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 5, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 294 (first reading copy -- blue), respectfully report that House Bill No. 294 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

That such amendments read:

1. Title, line 8.
Strike: "SECTIONS 61-10-101,"
Insert: "SECTION"
2. Title, lines 8 through 11.
Following: "61-10-107," on line 8
Strike: remainder of line 8 through "61-10-105," on line 11
3. Page 1, lines 15 through 22.
Strike: section 1 in its entirety
Renumber: subsequent sections
4. Page 4, line 8 through page 26, line 16.
Strike: sections 3 through 16 in their entirety
Insert: "NEW SECTION. Section 2. Date of compliance. All equipment existing on or after [the date the governor signs this act] must comply with the provisions of 61-10-107(2) by January 1, 1996."
Renumber: subsequent section

-END-

SENATE

HB 294

M - Amd. Coord.
W Sec. of Senate

Stang
Senator Carrying Bill

501101SC.Sma

HOUSE BILL NO. 294

INTRODUCED BY LARSON

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW CONCERNING VEHICLE LOADS; REDUCING THE MAXIMUM ALLOWABLE WEIGHT ON AXLES EQUIPPED WITH SINGLE TIRES; AMENDING SECTIONS 61-10-101, SECTION 61-10-107, 61-10-108, 61-10-109, 61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128, 61-10-141, 61-10-144, 61-10-145, 61-10-201, 61-10-202, AND 61-10-210, MCA; AND REPEALING SECTION 61-10-105, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 61-10-101, MCA, is amended to read:

"61-10-101. Standards of maximum dimensions, weights, etc. The standards provided for in 61-10-102 through 61-10-104 and 61-10-106 through 61-10-110 govern the maximum dimensions, weights, and other characteristics of motor vehicles operating over the highways in the state to the exclusion of other standards or other requirements respecting the subject matter."

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

"61-10-107. 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. An axle load is the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. 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 must be determined by the formula:

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

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 the 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). all axles bearing an axle load in excess of 10,000 pounds, except for the steering axle or an axle equipped with wide-base tires, must have at least four tires, in lieu of four tires per

axle--an--axle--may--be--equipped--with--wide--base--tires--The
maximum--load--on--axes--equipped--with--wide--base--tires--is
limited--to--450--pounds--per--inch--of--tire--width--For--the
purposes--of--this--section,--wide--base--tires--are--tires--with--a
nominal--width--of--14--or--more--inches--All--tires--must--be--given
credit--for--the--nominal--width--when--calculating--allowable
weight--under--this--section-- ITS MAXIMUM LOAD PER INCH OF TIRE
WIDTH, EXCLUDING THE STEERING AXLE, MAY NOT EXCEED 500
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 transportation based on evaluation of safety, highway capacity, and economics of highway maintenance and vehicle operation. The fee is \$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(6) 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 is for the full term of the harvest season of the agricultural product transported.

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

Section 3.--Section 61-10-108, MCA, is amended to read:--

"61-10-108.--Reduction--under--special--circumstances.--The
maximum--axle--and--axle--group--loads--stated--in--61-10-105
61-10-107--are--subject--to--reasonable--reduction--in--the
discretion--of--the--department--of--transportation--during
periods--when--road--subgrades--have--been--weakened--by--water
saturation--or--other--causes."

Section 4.--Section 61-10-109, MCA, is amended to read:--

"61-10-109.--Operation--without--special--permits
prohibited.--The--operation--of--vehicles--or--combinations--of
vehicles--having--dimensions--or--weights--in--excess--of--the
maximum--limits--specified--in--61-10-101--through--61-10-104--and
61-10-106--through--61-10-108--is--permitted--only--if--authorized
by--special--permit--issued--by--the--department--of--transportation
or--its--agents--or--the--highway--patrol."

Section 5.--Section 61-10-110, MCA, is amended to read:--

"61-10-110.--Federal--law.--Sections--61-10-101--through
61-10-104--and--61-10-106--through--61-10-109--do--not--authorize,

1 without a permit issued as provided by law, the operation of
 2 a combination of vehicles having a gross weight, axle load,
 3 or size in excess of that authorized in those sections, or
 4 the operation of a combination of vehicles on the national
 5 system of interstate and defense highways having a gross
 6 weight or size in excess of that permitted by law in this
 7 state before July 17, 1956, or by federal law or regulation
 8 in excess thereof, which is adopted. If federal law allows
 9 establishment of size and weight limits in excess of those
 10 permitted in those sections, without penalty or denial of
 11 federal funds for highway purposes, the department of
 12 transportation may, by permit designating highway routing,
 13 authorize the movement on highways under its jurisdiction of
 14 vehicles or combinations of vehicles of a size or weight in
 15 excess of the limits provided for in those sections, but
 16 within the limits necessary to qualify for federal aid
 17 highway funds."

18 **Section 6.** Section 61-10-121, MCA, is amended to read--
 19 "61-10-121. Permits for excess size and weight.--(1)
 20 Upon application and with good cause shown, the department
 21 of transportation and local authorities in their respective
 22 jurisdictions may issue telephonically or in writing a
 23 special permit authorizing the applicant to operate or move
 24 a vehicle, combination of vehicles, load, object, or other
 25 thing of a size or weight exceeding the maximum specified in

1 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110
 2 upon a highway under the jurisdiction of and for the
 3 maintenance of which the body granting the permit is
 4 responsible. However, only the department may issue permits
 5 for movement of a vehicle or combination of vehicles
 6 carrying built-up or reducible loads in excess of 9 feet in
 7 width or exceeding the length, height, or weight specified
 8 in 61-10-101 through 61-10-104 and 61-10-106 through
 9 61-10-110. This permit must be issued in the public
 10 interest. A carrier receiving this permit must have public
 11 liability and property damage insurance for the protection
 12 of the traveling public as a whole. A permit may not be
 13 issued for a period greater than the period for which the
 14 GVW license is valid, including grace periods, as provided
 15 in this title. Owners of vehicles licensed in other
 16 jurisdictions may, at the discretion of the department,
 17 purchase permits to expire with their registration. A
 18 license required by the state governs the issuance of a
 19 special permit. The department may issue to dealers in
 20 implements of husbandry and self-propelled machinery
 21 oversize permits, which may be transferred from unit to unit
 22 by the dealer, for the fee set forth in 61-10-124. These
 23 oversize permits may not restrict dealers in implements of
 24 husbandry and self-propelled machinery from traveling on a
 25 Saturday or Sunday and expire on December 31 of each year,

with--no--grace--period. For the purposes of this section, a dealer--in--implements--of---husbandry---or---self-propelled machinery must be a resident of the state. A post-office box number is not a permanent address under this section.

{2}--The---applicant---for---a---special---permit---shall specifically describe the powered vehicle or towing vehicle and--generally--describe the type of vehicle, combination of vehicles, load, object, or other thing--to--be--operated--or moved--and--the--particular--state--highways--over--which--the vehicle, combination of vehicles, load, object, or other thing--is--to--be--moved--and--whether--the--permit--is--required--for a single trip or for continuous operation."

Section 7. Section 61-10-124, MCA, is amended to read:--

"61-10-124.---Special permits---fee---cranes.---{1}--As used---in--this--section,--"crane"--means--a--self-propelled single-unit vehicle consisting of not more than four--axes and--used--for--raising, shifting, and lowering heavy weights by means of a projecting swinging arm.

{2}--Except as provided in subsections--{3}{b},--{3}{d}, and--{6},--in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit issued for size--and--weight in--excess--of--that--specified--in--61-10-101--through--61-10-104 and--61-10-106--through--61-10-110--must--be--paid--for--all movements under special permits on the public highways under

the jurisdiction of the department of transportation.

{3}--{a}--Except as provided in subsections--{3}{b}, {3}{d},--{6},--and--{7},--term or blanket permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15 feet, an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet, and an overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet, or of a limit determined by the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length, and the long semitrailer cargo unit of the combination may not exceed 48 feet in length. A Rocky Mountain double is not subject to a combination length limit. Special permits for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load are not permitted except as provided in subsections--{6}--and--{7}. Special permits for vehicle combinations may specify and special permits under subsections {6} and {7} must specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment, speed, stability, operational procedures, and insurance.

{b}--A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery for an overwidth or overlength vehicle referred to in subsection {3}{a}. The fee for this permit is \$75. This permit covers a period of 1 year and expires on December 31 of each year with no grace period.

{c}--With payment of the appropriate gross weight fees required by 61-10-201 and 61-10-202 and with payment of the fee prescribed in subsection {2}, allowable gross weight of a five-axle combination logging vehicle is 80,000 pounds.

{d}--A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-trailer combination, for travel only on highways that are part of the federal aid interstate system, as defined in 60-1-103, or on other highways within a 2-mile radius of an interchange on the interstate system in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and the interchange. The fee for this permit is \$125.

{4}--Except as provided in subsection {3}{b}, a permit may not be issued for a period of time greater than the period for which the GVW license is valid as provided in

this title, including grace periods allowed by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of transportation, purchase permits to expire with their registration. A license required by the state governs the issuance of a special permit.

{5}--The owner or operator of a crane with a gross vehicle weight of less than 80,000 pounds may purchase a 30-day special permit for overweight if the crane has a current special mobile equipment identification plate and if the department of transportation has approved the configuration of the crane through a weight analysis completed within the same calendar year. The permit is not transferable, and the fee for the permit is \$200.

{6}--The department may issue special permits to the operating company for a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

{a}--the combination may be operated only on highways that are part of the federal aid interstate system as defined in 60-1-103 and within a 2-mile radius of an interchange on the interstate system on other highways only in order to obtain necessary services or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the terminal and

1 the-interchanger

2 {b}--a-combination-of-vehicles-powered-by-a-cab-over
3 {titt-cab}-type-truck-tractor--or--a-truck-may-not-exceed
4 overall-length-of-105-feet--inclusive-of--front--and--rear
5 bumpers-and-overhang;

6 {c}--a-combination-of-vehicles-powered-by-a-conventional
7 truck-tractor--may--not--exceed--overall-length-of-110-feet,
8 inclusive-of-front-and-rear-bumpers-and-overhang;

9 {d}--no an-individual-cargo-unit-of-the-combination--may
10 not-exceed-20-1/2-feet-in-length-and-102-inches-in-width;

11 {e}--gross-weight--fees-under-61-10-203-must-be-paid-on
12 the-truck-or-truck-tractor-for-the-declared-registered-gross
13 weight-of-the-special-vehicle-combination--but-not-to-exceed
14 the-formula-in-61-10-107;

15 {f}--the-combination-must-have-a-restricted-route-permit
16 under-61-10-107(3)-and-a-special-overlength-permit-issued-at
17 a-fee-of-\$200-for-a-term-permit-or-\$20-for-each-trip-permit;

18 {g}--travel-of-the-combination-may-be-restricted-to
19 specific--routes--hours--of--operation--specific--days--or
20 seasonal-periods--and

21 {h}--the-department-may-enforce-any--other--restrictions
22 determined--by-the-department-to-be-necessary--The-permit-is
23 not-transferable--and-the-fee-for-the-permit-is-\$200.

24 {7}--The-department-of-transportation-may-issue--special
25 permits--under--subsection--(6)--for--vehicle-combinations

1 consisting-of-a-truck-trailer-trailer-if-

2 {a}--the-vehicle-combination's-overall-length--inclusive
3 of-front-and-rear-bumpers-is-not-more-than-95-feet;

4 {b}--a-person--firm--or--corporation--applying--for-a
5 permit--under--this--subsection--(7)--operated--the
6 truck-trailer-trailer-combination-before-July-1--1987;

7 {c}--truck-trailer-trailer--operations-are-restricted-to
8 the-specified-routes-those-vehicles-operated-on-before-July
9 1--1987--and

10 {d}--a-person--firm--or--corporation--applying--for-a
11 permit-provides-the-department--of--transportation--with--an
12 affidavit--designating--the--routes--the-vehicle-operated-on
13 before-July-1--1987.*

14 **Section 8.**--Section-61-10-126--MCA--is-amended-to-read--

15 "61-10-126--Deposit-of-fees--All-fees--collected--under
16 61-10-101--through-61-10-104--and-61-10-106--through-61-10-125
17 shall must-be-forwarded-to-the-state-treasurer--for--deposit
18 in--the--state--highway-account-in-the-state-special-revenue
19 fund.*"

20 **Section 9.**--Section-61-10-128--MCA--is-amended-to-read--

21 "61-10-128--(Temporary)--When-authorities--may--restrict
22 right-to-use-roadway--(1)--Neither-the-department-nor-a-local
23 authority--may--alter--the-limitations-provided-in-61-10-101
24 through--61-10-104--and-61-10-106--through--61-10-110--or
25 substitute--other--limitations--or--requirements--except-as

1 provided-in-this-section,

2 {2}--The-department-of-transportation--by--order,--or--a
3 local--road--authority--by--ordinance--or--resolution,--may
4 prohibit-the-operation-of--or--impose--restrictions--on--the
5 weight--and-speed-of-a-vehicle-traveling-on-a-public-highway
6 under-its--respective--jurisdiction--and--for--which--it--is
7 responsible--for--maintenance--whenever--the-highway-will-be
8 seriously-damaged-or-destroyed-by-deterioration,--rain,--snow,
9 or-other-climatic-conditions,--unless-the-use-of-vehicles--on
10 the-highway-is-prohibited-or-the-permissible-vehicle-weights
11 and--speed--are-reduced. The-department-of-transportation-or
12 the-authority-which that-enacts-the-ordinance-or--resolution
13 shall--erect-signs-designating-the-department's-order-or-the
14 authority's-ordinance-or-resolution--at--each--end--of--that
15 portion--of-the-highway-affected,--and-the-order-or-ordinance
16 or-resolution-is-not-effective-until-the-signs-are--erected.
17 The-department,--or-the-authority-by-ordinance-or-resolution,
18 may--prohibit--the--operation--of-trucks-or-other-commercial
19 vehicles,--or--impose--limitations--on--their--weight--on
20 designated-highways,--subject-to-the-provisions-of-subsection
21 {3}.--These--prohibitions--and--limitations--shall must--be
22 designated-by-appropriate-signs-placed-on-the-highways.

23 {3}--Neither--the--department--nor-a-local-authority-may
24 prohibit-the-operation-of-or-impose--a--restriction--on--the
25 weight--of--a--vehicle--loaded-with-perishable-seed-potatoes

1 that-is-traveling-on-a-public-highway-if:

2 {a)--the-vehicle-is--being--operated--within--its--legal
3 licensed-gross-vehicle-weight;

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

8 {c)--the-driver-has-in-his-possession-of-a-federal-state
9 inspection-certificate-issued-for-the-load.

10 {4}--A-permit-issued-under-subsection-{3}-may-be-revoked
11 for-violating-any-condition-of-the-permit. (Terminates--June
12 30,--1993--sec--27-Ch--476,--B,--1991.)

13 61-10-120,--(Effective--July--1,--1993)--When-authorities
14 may-restrict-right-to-use-roadway,--(1)--A-local-authority-may
15 not-alter-the--limitations--provided--in--61-10-101--through
16 61-10-104--and--61-10-106--through--61-10-110--or-substitute
17 other-limitations-or-requirements,--except--as--provided--in
18 this-section.

19 {2}--The--department--of--transportation--by-order,--or--a
20 local--road--authority--by--ordinance--or--resolution,--may
21 prohibit--the--operation--of--or--impose--restrictions-on-the
22 weight-and-speed-of-a-vehicle-traveling-on-a-public--highway
23 under--its--respective--jurisdiction--and--for--which--it--is
24 responsible-for-maintenance-whenver--the--highway--will--be
25 seriously-damaged-or-destroyed-by-deterioration,--rain,--snow,

1 or--other-climatic-conditions, unless the use of vehicles on
 2 the highway is prohibited or the permissible vehicle weights
 3 and speed are reduced. The department of--transportation--or
 4 the--authority which that enacts the ordinance or resolution
 5 shall erect signs designating the department's order or--the
 6 authority's--ordinance--or--resolution--at--each end of that
 7 portion of the highway affected, and the order or--ordinance
 8 or--resolution is not effective until the signs are erected.
 9 The department, or the authority by ordinance or resolution,
 10 may prohibit the operation of--trucks--or--other--commercial
 11 vehicles,---or---impose---limitations--on--their--weight--on
 12 designated--highways. These prohibitions and--limitations
 13 shall must be designated by appropriate signs placed on--the
 14 highways."

15 **Section 10.** Section 61-10-141, MCA, is amended to read:--

16 "61-10-141. Officers--authorized--to weigh vehicles and
 17 require removal of excessive loads---enforcement--of--motor
 18 carrier--safety--standards---duty to obtain bills of lading
 19 for agricultural seeds. (1) A peace officer, officer of--the
 20 highway---patrol,---or---employee---of---the department--of
 21 transportation may weigh any vehicle regulated by--61-10-101
 22 through--61-10-104--and--61-10-106 through 61-10-110, except
 23 recreational vehicles as defined in 61-1-132, either--by
 24 means of portable or stationary scales, and may require that
 25 the--vehicle be driven to the nearest scales if those scales

1 are within 2 miles. That person may then require the--driver
 2 to--unload immediately that portion of the load necessary to
 3 decrease the weight of the vehicle to conform to the maximum
 4 allowable weights specified in 61-10-101--through--61-10-104
 5 and 61-10-106 through 61-10-110.

6 (2) Commodities--and--material--unloaded as required by
 7 this section shall must be cared for and--removed--from--the
 8 highway right of way by the owner or operator of the vehicle
 9 at--the--risk--of--that owner or operator. The removal shall
 10 must be within a reasonable time designated--by--the--person
 11 who has compelled the unloading.

12 (3) The department--of--transportation--may establish,
 13 maintain, and operate weigh stations, either--intermittently
 14 or--on--a--continuous--schedule,--and--may require vehicles,
 15 except passenger cars and pickup trucks under--8,000--pounds
 16 G.V.W.--and--recreational--vehicles--as--defined in 61-1-132
 17 (that are not new or used--recreational--vehicles--traveling
 18 into--or--through Montana for delivery to a distributor or a
 19 dealer), to enter for the purpose of weighing and inspection
 20 for compliance with all laws pertaining to--their--operation
 21 and safety requirements.

22 (4) The--department--of--transportation shall work with
 23 the highway patrol in the enforcement--of--safety--standards
 24 adopted pursuant to 44-1-1005. For the purposes of the joint
 25 enforcement, the--highway--patrol is designated as the lead

agency--The--highway--patrol--and--the--department--of
transportation--shall--cooperate--to--assure ensure minimum
duplication-and-maximum-coordination-of-enforcement-effort;

{5}--In--order--to--enforce--compliance--with--safety
standards--adopted--pursuant-to-44-1-1005, the department of
transportation shall designate employees as peace officers.
The--designated--employees--must--be--employed--in--the
administration-of-the-gross-vehicle-weight-functions-of--the
department--of-transportation. Each employee designated as a
peace officer may:

{a}--issue citations and make arrests in connection with
violations of safety standards adopted under 44-1-1005;

{b}--issue summons;

{c}--accept bail;

{d}--serve warrants for arrest;

{e}--make reasonable inspections of cargo carried by
commercial motor vehicles;

{f}--make reasonable safety inspections of commercial
motor vehicles utilized by motor carriers; and

{g}--require production of documents relating to the
cargo, driver, routing, or ownership of such commercial
motor vehicles;

{6}--In addition to other enforcement duties assigned
under this section, an employee of the department of
transportation has:

{a}--the same authority to enforce provisions of the
motor carriers law as that granted the public service
commission under 69-12-203; and

{b}--the duty to secure or make copies, or both, of all
bills of lading or other evidence of delivery for shipment
of agricultural seeds as defined in 80-5-120 that have been
sold or are intended for sale in Montana and to forward the
copies to the department of agriculture within 24 hours of
the date the bill of lading was obtained."

Section 11. Section 61-10-144, MCA, is amended to read:--

"61-10-144. Violation of standards--tolerance--(1) It
is a misdemeanor for a person, firm, or corporation to
violate any provision of 61-10-101 through 61-10-104 and
61-10-106 through 61-10-110.

{2}--However, the operator of a vehicle or combination
of vehicles may move over the highways to the first open
state scale, permanent or portable, without incurring the
excess weight penalties set forth in 61-10-145 if the total
gross weight of the vehicle or combination of vehicles does
not exceed allowable total gross weight limitations by more
than 5%, or 7% if the vehicle or combination of vehicles is
transporting livestock, and if the weight carried by any
axle or combination of axles does not exceed the allowable
axle weight limitations by more than 5%, or 7% if the
vehicle or combination of vehicles is transporting

1 livestock--in--the--event--the--vehicle--or--combination-of
 2 vehicles-is-not-in-excess-of-the-allowable--total--gross--or
 3 axle--weight--limitations--by--more--than--5%--or--7%--if--the
 4 vehicle--or--combination--of--vehicles---is---transporting
 5 livestock--the-department-may-issue-a-single-trip-permit-for
 6 the--fee-of-\$10-for-allowing-said the vehicle-or-combination
 7 of-vehicles-to-move-over-the-highways-to-the-first--facility
 8 where-its-load-can-be-safely-adjusted-or-to-its-destination.
 9 Violations--of--total--gross--or--axle-weight-limitations-in
 10 excess-of-5%--or--7%--if--the--vehicle--or--combination--of
 11 vehicles-is-transporting-livestock--are-subject-to-the-fines
 12 provided--in-61-10-145--and-all-loads-in-excess-of-5%--of--the
 13 total-gross-or-axle-weight-limitations--or--7%--if--the-vehicle
 14 or-combination-of-vehicles-is-transporting--livestock--must
 15 be--adjusted--or--reduced--to-conform-to-the-size-and-weight
 16 limitations-before-the-vehicle-or-combination-of-vehicles-is
 17 moved-from-the-point-of-weighing.

18 {3}--An-operator-of-a-vehicle-or-combination-of-vehicles
 19 subject-to-the-provisions-of-61-10-107(4)--may--move--over--a
 20 highway--except--any--highway--which that--is--part-of-the
 21 federal-aid-interstate-system--within-a--50-mile--radius--of
 22 the--harvested-field-to-the-point-of-first-unloading-without
 23 incurring-the-excess-weight-penalties-set-forth-in-61-10-145
 24 if-the-total-gross-weight-of-the-vehicle-or--combination--of
 25 vehicles--does--not--exceed--allowable-weight-limitations-by

1 more-than-20%--per-axle--but-the-maximum--load--per--inch--of
 2 tire--width--may--not--exceed--670--pounds--The--vehicle-or
 3 combination-of-vehicles-may-not-exceed-40-miles-per-hour--No
 4 single A-single trip-permit-as-required--in--subsection--(2)
 5 shall-be is-not applicable-to-such-vehicle-or-combination-of
 6 vehicles--When--such the vehicle-or-combination-of-vehicles
 7 violates-any-of-the-provisions-of-this-subsection--the--fine
 8 or--penalty--imposed--shall-apply applies to-that-portion-of
 9 the-load-above-the-legal-limit."

10 **Section 12.** Section 61-10-145, MCA, is amended to read--

11 "61-10-145. Penalties.---(1)---A---person,---firm,---or
 12 corporation--convicted--of--violating---61-10-101---through
 13 61-10-104--and-61-10-106 through 61-10-110 shall-be-punished
 14 by-a-fine-of-not-less-than-\$30-or-more-than-\$100--A--person,
 15 firm,--or-corporation-convicted-of-operating-a-motor-vehicle
 16 upon-the-public-highways-of-this-state-with--weight--upon--a
 17 wheel,--axle,--or--group--of--axes-greater-than-the-maximum
 18 permitted--by--61-10-101--through--61-10-104--and--61-10-106
 19 through 61-10-110 shall--be--fined,--in--addition--to--other
 20 penalties--provided--by--law--for-the-offense--the-following
 21 amounts:

22 {a}--\$30-for-any-excess-weight-up-to-and-including-2,000
 23 pounds;

24 {b}--\$50-for-any-excess-weight-more--than--2,000--pounds
 25 and-less-than-4,001-pounds;

1 {c}--\$78--for--any--excess--weight--more--than--4,000--pounds
 2 and--less--than--6,001--pounds;
 3 {d}--\$100--for--any--excess--weight--more--than--6,000--pounds
 4 and--less--than--8,001--pounds;
 5 {e}--\$160--for--any--excess--weight--more--than--8,000--pounds
 6 and--less--than--10,001--pounds;
 7 {f}--\$220--for--any--excess--weight--more--than--10,000--pounds
 8 and--less--than--12,001--pounds;
 9 {g}--\$300--for--any--excess--weight--more--than--12,000--pounds
 10 and--less--than--14,001--pounds;
 11 {h}--\$400--for--any--excess--weight--more--than--14,000--pounds
 12 and--less--than--16,001--pounds;
 13 {i}--\$500--for--any--excess--weight--more--than--16,000--pounds
 14 and--less--than--18,001--pounds;
 15 {j}--\$600--for--any--excess--weight--more--than--18,000--pounds
 16 and--less--than--20,001--pounds;
 17 {k}--\$1,000--for--any--excess--weight--more--than--20,000
 18 pounds--and--less--than--25,001--pounds;
 19 {l}--\$2,000--for--any--excess--weight--more--than--25,000
 20 pounds;
 21 {2}--If--a--motor--vehicle--is--equipped--with--a--retractable
 22 axle--that--is--not--fully--extended--and--carrying--its
 23 proportionate--share--of--the--load--while--the--motor--vehicle--is
 24 operated--upon--the--highways--of--this--state,--the--weight
 25 penalties--in--subsection--(1)--apply--to--all--weight--over--the

1 legal--maximum--allowed--by--the--fixed--axes--regardless--of
 2 whether--the--axle--is--extended--at--the--time--of--weighing,--in
 3 addition--to--the--penalties--in--subsection--(1),--the--owner--or
 4 operator--shall--be--fined--\$100--for--failure--to--have--the
 5 retractable--axle--fully--extended--while--the--gross--weight--of
 6 the--vehicle--exceeds--the--legal--maximum--allowed--by--the--fixed
 7 axes.
 8 {3}--A--complaint--filed--and--a--summons--or--notice--to--appear
 9 issued--pertaining--to--a--violation--of--the--gross--weight
 10 regulations--in--61-10-101--through--61-10-104--and--61-10-106
 11 through--61-10-110--must--specify--the--amount--of--the--overweight
 12 that--the--defendant--is--alleged--to--have--had--upon--the--vehicle
 13 or--combination--of--vehicles;
 14 {4}--The--penalties--in--subsection--(1)--do--not--apply--to--an
 15 operator--who--fails--to--secure--a--special--permit--as--provided
 16 for--in--61-10-107(3)--if--the--vehicle--or--combination--of
 17 vehicles--is--not--overweight--with--such--a--permit,--The--failure
 18 to--obtain--the--special--permit--is--punishable--under--61-10-146
 19 and--under--this--section--as--provided--in--61-10-146,--and--the
 20 operator--is--required--to--purchase--the--permit,--if--the--vehicle
 21 or--combination--of--vehicles--exceeds--the--weight--limitations
 22 allowed--by--special--permit--and--the--operator--fails--to--obtain--a
 23 permit--under--61-10-107(3),--the--penalties--of--subsection--(1)
 24 apply--to--the--weight--exceeding--80,000--pounds;
 25 {5}--It--is--a--misdemeanor--punishable--as--provided--in

46-10-212, for a person, firm, or corporation to violate any
of the provisions of 61-10-123, 61-10-141, or 61-10-142."

Section 13. Section 61-10-201, MCA, is amended to read--

"61-10-201. Gross weight fees on motortrucks and truck
tractors, in addition to other fees for the licensing of
vehicles, there shall must be paid and collected annually
for each truck and truck tractor, based upon the maximum
gross loaded weight thereof as set by the licensee in his
the application, the following fees:

Schedule-I

Up to 6,000-lbs.	-----\$ 7.50
6,001-through-8,000-lbs.	-----12.50
8,001-through-10,000-lbs.	-----17.50
10,001-through-12,000-lbs.	-----20.00
12,001-through-14,000-lbs.	-----22.50
14,001-through-16,000-lbs.	-----27.50
16,001-through-18,000-lbs.	-----37.50
18,001-through-20,000-lbs.	-----50.00
20,001-through-22,000-lbs.	-----62.50
22,001-through-24,000-lbs.	-----93.75
24,001-through-26,000-lbs.	-----125.00
26,001-through-28,000-lbs.	-----156.25
28,001-through-30,000-lbs.	-----206.25
30,001-through-32,000-lbs.	-----262.50
32,001-through-34,000-lbs.	-----318.75

34,001-through-36,000-lbs.	-----375.00
36,001-through-38,000-lbs.	-----431.25
38,001-through-40,000-lbs.	-----487.50
40,001-through-42,000-lbs.	-----543.75
Over 42,000-lbs. and within the weight limits	
--specified in 61-10-101 through 61-10-104 and 61-10-106	
through 61-10-110	-----62.50
	per ton or fraction thereof of a ton."

Section 14. Section 61-10-202, MCA, is amended to read--

"61-10-202. Gross weight fees on trailers and
semitrailers, in addition to other fees for the licensing of
vehicles, there shall must be paid and collected annually
for each trailer and semitrailer, based upon the maximum
gross loaded weight thereof as set by the licensee in his
the application, except as otherwise provided, the following
fees:

Schedule-II

Trailers Other Than House Trailers

Up to 2,500-lbs. for personal use	-----Exempt
Up to 2,500-lbs. for commercial use	-----\$ 3.75
2,501-through-6,000-lbs.	-----5.00
6,001-through-8,000-lbs.	-----15.00
8,001-through-10,000-lbs.	-----17.50
10,001-through-12,000-lbs.	-----20.00
12,001-through-14,000-lbs.	-----22.50

1 14,001-through-16,000-lbs-----27.50
 2 16,001-through-18,000-lbs-----37.50
 3 18,001-through-20,000-lbs-----50.00
 4 20,001-through-22,000-lbs-----62.50
 5 22,001-through-24,000-lbs-----93.75
 6 24,001-through-26,000-lbs-----125.00
 7 26,001-through-28,000-lbs-----156.25
 8 28,001-through-30,000-lbs-----206.25
 9 30,001-through-32,000-lbs-----262.50
 10 32,001-through-34,000-lbs-----318.75
 11 34,001-through-36,000-lbs-----375.00
 12 36,001-through-38,000-lbs-----431.25
 13 38,001-through-40,000-lbs-----487.50
 14 40,001-through-42,000-lbs-----543.75
 15 Over-42,000-lbs--and-within-the-weight-limits
 16 --specified-in-61-10-101--through--61-10-104--and--61-10-106
 17 through-61-10-110-----62.50
 18 per-ton-or-fraction-thereof of-a-ton."

19 **Section 15.**--Section-61-10-210, MCA, is amended to read:--

20 "61-10-210. Three--unit--combination---fees-in-lieu-of
 21 gross-weight-fees-----marking:--(1)--Instead--of--the--gross
 22 weight--fees--provided--in--61-10-201-through-61-10-209, the
 23 owner-of-a-motortruck-or-truck-tractor-used-on-the--highways
 24 of-the-state-in-connection-with-two-trailers-or-semitrailers
 25 at--the--same--time--shall--register--them--as--a-three-unit

1 three-unit-combination-in-the-following-manner-by:

2 (a)--paying-the-registration-and-other-fees-covering-the
 3 maximum-practical-gross-vehicle--weight--for--the--truck--or
 4 truck--tractor, but-not-less-than-the-actual-operating-gross
 5 weight-under-61-3-303, 61-3-321, and-61-10-201;

6 (b)--registering--the--trailers---in---accordance---with
 7 61-3-303--and--61-3-321--and-paying-the-gross-vehicle-weight
 8 fee-prescribed-for-the-maximum-trailing-load--in--accordance
 9 with--61-10-202--on--the--combined--gross--weight-of-the-two
 10 trailers-or-semitrailers, treating-them-as-if--they--were--a
 11 single-unit;

12 (2)--This--section--does--not--authorize--axle--loads-in
 13 excess-to-those-established-by-61-10-101--through--61-10-104
 14 and-61-10-106-through-61-10-110."

15 **NEW SECTION. Section 16.**--Repealer. Section-61-10-105,--
 16 MCA, is repealed.

17 **NEW SECTION. SECTION 2.** DATE OF COMPLIANCE. ALL
 18 EQUIPMENT EXISTING ON OR AFTER [THE DATE THE GOVERNOR SIGNS
 19 THIS ACT] MUST COMPLY WITH THE PROVISIONS OF 61-10-107(2) BY
 20 JANUARY 1, 1996.

21 **NEW SECTION. SECTION 3.** EFFECTIVE DATE. [THIS ACT] IS
 22 EFFECTIVE JANUARY 1, 1995.

-End-