

HOUSE BILL 310

Introduced by Winslow

1/22	Introduced
1/22	Referred to Highways & Transportation
1/22	First Reading
2/17	Hearing
2/17	Tabled in Committee

1 House BILL NO. 310  
2 INTRODUCED BY Andy Quinn  
3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
6 OF TRANSPORTATION TO PROTECT THE TRAVELING PUBLIC BY  
7 LIMITING VEHICLE SIZE AND THE NUMBER OF TRIPS THAT MAY BE  
8 OPERATED ON A PUBLIC HIGHWAY; AND AMENDING SECTIONS  
9 61-10-128 AND 61-10-147, MCA."  
10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
12 **Section 1.** Section 61-10-128, MCA, is amended to read:  
13 "61-10-128. (Temporary) When authorities may restrict  
14 right to use roadway. (1) Neither the department nor a local  
15 authority may alter the limitations provided in 61-10-101  
16 through 61-10-110 or substitute other limitations or  
17 requirements, except as provided in this section.  
18 (2) The department of transportation by order, or a  
19 local road authority by ordinance or resolution, may  
20 prohibit the operation of or impose restrictions on the  
21 weight and speed of a vehicle traveling on a public highway  
22 under its respective jurisdiction and for which it is  
23 responsible for maintenance whenever the highway will be  
24 seriously damaged or destroyed by deterioration, rain, snow,  
25 or other climatic conditions, unless the use of vehicles on

1 the highway is prohibited or the permissible vehicle weights  
2 and speed are reduced. The department of transportation or  
3 the authority which enacts the ordinance or resolution shall  
4 erect signs designating the department's order or the  
5 authority's ordinance or resolution at each end of that  
6 portion of the highway affected, and the order or ordinance  
7 or resolution is not effective until the signs are erected.  
8 The department, or the authority by ordinance or resolution,  
9 may prohibit the operation of trucks or other commercial  
10 vehicles, or impose limitations on their weight on  
11 designated highways, subject to the provisions of subsection  
12 (3). These prohibitions and limitations shall be designated  
13 by appropriate signs placed on the highways.  
14 (3) Neither the department nor a local authority may  
15 prohibit the operation of or impose a restriction on the  
16 weight of a vehicle loaded with perishable seed potatoes  
17 that is traveling on a public highway if:  
18 (a) the vehicle is being operated within its legal  
19 licensed gross vehicle weight;  
20 (b) a permit has been issued under 61-10-107(3),  
21 regardless of the vehicle's gross weight, specifying the  
22 route from point of loading to the nearest nonrestricted  
23 road; and  
24 (c) the driver has in his the driver's possession a  
25 federal-state inspection certificate issued for the load.

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

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

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

(3) Only the department of transportation may, for the purpose of protecting the safety of the traveling public, limit:

(a) the width, length, and height of a vehicle traveling on a public highway; and

(b) the number of trips that may be operated on a public highway."

**Section 2.** Section 61-10-147, MCA, is amended to read:

"61-10-147. Penalties for using highway when use is restricted. (1) It is a misdemeanor for a person, firm, or corporation to violate any of the provisions of 61-10-128(2) and (3).

(2) A person, firm, or corporation first convicted of a misdemeanor for a violation of any of the provisions of 61-10-128(2) or of the limits established by the department of transportation under 61-10-128(3) shall be punished by a fine of not less than \$10 or more than \$50 or by imprisonment in the county or municipal jail for not less than 5 days or more than 25 days. For a second conviction within 1 year the person, firm, or corporation shall be punished by a fine of not less than \$50 or more than \$200 or

1 by imprisonment in the county or municipal jail for not less  
2 than 25 days or more than 100 days or by both this fine and  
3 imprisonment. Upon a third or subsequent conviction within 1  
4 year after the first conviction the person, firm, or  
5 corporation shall be punished by a fine of not less than  
6 \$200 or more than \$500 or by imprisonment in the county or  
7 municipal jail for not less than 100 days or more than 6  
8 months or by both this fine and imprisonment."

-End-