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House BILL NO. 86

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INTRODUCED BY

Simpkins Knox Thomas

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO GROSS VEHICLE WEIGHT LIMITS; GRANTING AN EXCEPTION TO RANCHERS TRANSPORTING LIVESTOCK TO AND FROM SUMMER PASTURE BY EXPANDING THE 20 PERCENT HARVEST TOLERANCE TO INCLUDE THE TRANSPORTATION OF LIVESTOCK TO AND FROM SUMMER PASTURE; STANDARDIZING THE TOLERANCE PERCENTAGE AMOUNT BY WHICH VEHICLES CAN EXCEED WEIGHT LIMITATIONS WITHOUT INCURRING EXCESS WEIGHT PENALTIES; AND AMENDING SECTIONS 61-10-107 AND 61-10-144, MCA."

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

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

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**"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:

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

23

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.

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

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(3) If the gross weight of a vehicle or combination exceeds 80,000 pounds, the vehicle or combination must have a special permit, ~~which~~ that may be issued in the discretion of the department of

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1 transportation based on evaluation of safety, highway capacity, and economics of highway maintenance  
 2 and vehicle operation. The fee is \$20 per trip permit or \$100 per term permit. A term permit may not be  
 3 issued for a period of time greater than the period for which the GVW license is valid. Owners of vehicles  
 4 licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their  
 5 registration. Permits may specify and permits issued under 61-10-124(6) must specify highway routing.

6 (4) A special permit issued under subsection (3) for the transportation of agricultural products by  
 7 farm vehicles from a harvesting combine or other harvesting machinery to the point of first unloading or  
 8 for the transportation of livestock from a ranch to summer pasture and from summer pasture to a ranch is  
 9 for the full term of the harvest season of the agricultural product transported or the grazing season for  
 10 livestock.

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

14  
 15 **Section 2.** Section 61-10-144, MCA, is amended to read:

16 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or  
 17 corporation to violate any provision of 61-10-101 through 61-10-110.

18 (2) However, the operator of a vehicle or combination of vehicles may move over the highways  
 19 to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth  
 20 in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable  
 21 total gross weight limitations by more than ~~5%, or 7% if the vehicle or combination of vehicles is~~  
 22 ~~transporting livestock,~~ and if the weight carried by any axle or combination of axles does not exceed the  
 23 allowable axle weight limitations by more than ~~5%, or 7% if the vehicle or combination of vehicles is~~  
 24 ~~transporting livestock. In the event~~ if the vehicle or combination of vehicles is not in excess of the allowable  
 25 total gross or axle weight limitations by more than ~~5%, or 7% if the vehicle or combination of vehicles is~~  
 26 ~~transporting livestock,~~ the department may issue a single trip permit for the fee of \$10 for allowing the  
 27 vehicle or combination of vehicles to move over the highways to the first facility where its load can be  
 28 safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of ~~5%,~~  
 29 ~~or 7% if the vehicle or combination of vehicles is transporting livestock,~~ are subject to the fines provided  
 30 in 61-10-145, and all loads in excess of ~~5%~~ 7% of the total gross or axle weight limitations, ~~or 7% if the~~

1 ~~vehicle or combination of vehicles is transporting livestock:~~

2 (a) may be required to be adjusted or reduced to conform to the size and weight limitations before  
3 the vehicle or combination of vehicles is moved from the point of weighing; or

4 (b) may be issued a permit as authorized by 61-10-141.

5 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)  
6 may move over a highway, except any highway that is part of the federal-aid interstate system, within a  
7 50-mile radius of the harvested field to the point of first unloading or for the purpose of transporting  
8 livestock from a ranch to summer pasture and from summer pasture to a ranch without incurring the excess  
9 weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles  
10 does not exceed allowable weight limitations by more than 20% per axle, ~~but~~ However, the maximum load  
11 per inch of tire width may not exceed 670 pounds. The vehicle or combination of vehicles may not exceed  
12 40 miles per hour. A single trip permit as required in subsection (2) is not applicable to the vehicle or  
13 combination of vehicles. When a vehicle or combination of vehicles violates any of the provisions of this  
14 subsection, the fine or penalty imposed applies to that portion of the load above the legal limit."

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0086, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws relating to gross vehicle weight limits; granting and exception to ranchers transporting livestock to and from summer pasture by expanding the 20 percent harvest tolerance to include the transportation of livestock to and from summer pasture; standardizing the tolerance percentage amount by which vehicles can exceed weight limitations without incurring excess weight penalties.

ASSUMPTIONS:

1. 1,982 tolerance permits at \$10 each were issued in FY94.
2. By standardizing the tolerance limit for all loads, we estimate that approximately one-quarter of the previously permitted loads will not require tolerance permits.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Highway Special Revenues (02)	(\$5,000)	(\$5,000)

Dave Lewis 1-9-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

Dick Simpkins  
DICK SIMPKINS, PRIMARY SPONSOR      DATE

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

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

**"61-10-107. 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 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~~ that may be issued in the discretion of the department of

1 transportation based on evaluation of safety, highway capacity, and economics of highway maintenance  
 2 and vehicle operation. The fee is \$20 per trip permit or \$100 per term permit. A term permit may not be  
 3 issued for a period of time greater than the period for which the GVW license is valid. Owners of vehicles  
 4 licensed in other jurisdictions may, at the discretion of the department, purchase permits to expire with their  
 5 registration. Permits may specify and permits issued under 61-10-124(6) must specify highway routing.

6 (4) A special permit issued under subsection (3) for the transportation of agricultural products by  
 7 farm vehicles from a harvesting combine or other harvesting machinery to the point of first unloading or  
 8 for the transportation of livestock from a ranch to summer pasture and from summer pasture to a ranch is  
 9 for the full term of the harvest season of the agricultural product transported or the grazing season for  
 10 livestock.

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

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16 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or  
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18 (2) However, the operator of a vehicle or combination of vehicles may move over the highways  
 19 to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth  
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 21 total gross weight limitations by more than ~~5%, or 7% if the vehicle or combination of vehicles is~~  
 22 ~~transporting livestock,~~ and if the weight carried by any axle or combination of axles does not exceed the  
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2 (a) may be required to be adjusted or reduced to conform to the size and weight limitations before  
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4 (b) may be issued a permit as authorized by 61-10-141.

5 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)  
6 may move over a highway, except any highway that is part of the federal-aid interstate system, within a  
7 50-mile radius of the harvested field to the point of first unloading or for the purpose of transporting  
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