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INTRODUCED BY

SENATE BILL NO. 68
Spencer Pearson *Parlovich* *Indelic*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO GROSS VEHICLE WEIGHT LIMITATIONS; INCREASING THE PERCENTAGE AMOUNT OF TOLERANCE BY WHICH VEHICLES MAY EXCEED WEIGHT LIMITATIONS WITHOUT INCURRING PENALTIES FROM 5 PERCENT TO 7 PERCENT FOR ALL VEHICLES; AND AMENDING SECTION 61-10-144, MCA."

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

Section 1. 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 61-10-110.

(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 that 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 vehicle or combination of vehicles is transporting livestock,~~ the department may issue a single trip permit for the fee of \$10 for allowing 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% 7% of the total gross or axle weight limitations, or 7% if the vehicle or combination of vehicles is transporting livestock:~~

(a) may be required to 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; or

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

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

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SENATE BILL NO. 68
INTRODUCED BY Spencer Lee, Patrick J. Sullivan

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO GROSS VEHICLE WEIGHT LIMITATIONS; INCREASING THE PERCENTAGE AMOUNT OF TOLERANCE BY WHICH VEHICLES MAY EXCEED WEIGHT LIMITATIONS WITHOUT INCURRING PENALTIES FROM 5 PERCENT TO 7 PERCENT FOR ALL VEHICLES; AND AMENDING SECTION 61-10-144, MCA."

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(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 that 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 vehicle or combination of vehicles is transporting livestock,~~ the department may issue a single trip permit for the fee of \$10 for allowing 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% 7% of the total gross or axle weight limitations, or 7% if the vehicle or combination of vehicles is transporting livestock:~~

(a) may be required to 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; or

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



1 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)
2 may move over a highway, except any highway that is part of the federal-aid interstate system, within a
3 50-mile radius of the harvested field to the point of first unloading without incurring the excess weight
4 penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not
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7 an hour. A single trip permit, as required in subsection (2), is not applicable to the vehicle or combination
8 of vehicles. When a vehicle or combination of vehicles violates any of the provisions of this subsection, the
9 fine or penalty imposed applies to that portion of the load above the legal limit."

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INTRODUCED BY

SENATE BILL NO. 68

Spencer *Parlow* *Indler*

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO GROSS VEHICLE WEIGHT LIMITATIONS; INCREASING THE PERCENTAGE AMOUNT OF TOLERANCE BY WHICH VEHICLES MAY EXCEED WEIGHT LIMITATIONS WITHOUT INCURRING PENALTIES FROM 5 PERCENT TO 7 PERCENT FOR ALL VEHICLES; AND AMENDING SECTION 61-10-144, MCA."

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

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Section 1. Section 61-10-144, MCA, is amended to read:

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"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 61-10-110.

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(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 that 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 vehicle or combination of vehicles is transporting livestock~~, the department may issue a single trip permit for the fee of \$10 for allowing 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% 7%~~ of the total gross or axle weight limitations, ~~or 7% if the vehicle or combination of vehicles is transporting livestock~~:

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(a) may be required to 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; or

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

1 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)
2 may move over a highway, except any highway that is part of the federal-aid interstate system, within a
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8 of vehicles. When a vehicle or combination of vehicles violates any of the provisions of this subsection, the
9 fine or penalty imposed applies to that portion of the load above the legal limit."

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1 SENATE BILL NO. 68

2 INTRODUCED BY LYNCH, SHEA, PAVLOVICH, QUILICI

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10
11 **Section 1.** Section 61-10-144, MCA, is amended to read:12 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or
13 corporation to violate any provision of 61-10-101 through 61-10-110.

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