

SENATE BILL NO. 91

INTRODUCED BY

Cole

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CONTRACTS WITH PRIVATE PARTIES TO ACT AS AGENTS OF THE DEPARTMENT IN ISSUING PERMITS FOR EXCESS SIZE AND WEIGHT OF VEHICLES; PROVIDING ANNUAL PERMITS AND FEES FOR OVERWEIGHT VEHICLES; AND AMENDING SECTIONS 61-10-121 AND 61-10-125, MCA."

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

**Section 1.** Section 61-10-121, MCA, is amended to read:

**"61-10-121. Permits for excess size and weight -- agents.** (1) Upon application and with good cause shown, the department of transportation, or its agent under subsection (3), 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 61-10-110 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 61-10-110. 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, with no grace period. For the purposes of this section, a dealer in

1 implements of husbandry or self-propelled machinery must be a resident of the state. A post-office box  
2 number is not a permanent address under this section.

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

8 (3) The department may enter into a contract with a private party to act as an agent of the  
9 department for the purpose of issuing, in writing, a special permit allowed under this section."

10

11 **Section 2.** Section 61-10-125, MCA, is amended to read:

12 **"61-10-125. Other fees.** (1) There is charged for a single trip permit for a load that is over the  
13 gross allowable load provided for by the formula in 61-10-107(1) but that does not exceed axle limits set  
14 forth in 61-10-107(1):

15 (a) \$10 for distances to and including 100 miles;

16 (b) \$30 for distances from 101 to 199 miles; and

17 (c) \$50 for distances over 200 miles traveled.

18 (2) (a) There is charged a fee of:

19 (i) \$200 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that  
20 does not exceed a total of 5,000 pounds in excess axle weight;

21 (ii) \$500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that  
22 does not exceed a total of 10,000 pounds in excess axle weight, with no single axle exceeding 5,000  
23 pounds in excess axle weight;

24 (iii) \$750 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but  
25 that does not exceed a total of 15,000 pounds in excess axle weight, with no single axle exceeding 5,000  
26 pounds in excess axle weight;

27 (iv) \$1,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but  
28 that does not exceed a total of 20,000 pounds in excess axle weight, with no single axle exceeding 5,000  
29 pounds in excess axle weight and no tandem axle exceeding 15,000 pounds in excess axle weight.

30 (b) The fees provided in subsection (2)(a) are annual fees but may be prorated on a quarterly basis

1 and may be paid quarterly, semiannually, or annually. However, if the fee is paid other than annually, there  
2 is an additional fee of \$10 each time a fee is paid.

3 (c) A permit issued under this subsection (2) is valid for a period of no less than 1 calendar quarter  
4 and no more than 1 calendar year.

5 (d) The department or its agent may not issue a term permit for loads that exceed 10,000 pounds  
6 in excess axle weight unless the person applying for the term permit has obtained approval from the  
7 department, through a weight analysis, for the configuration of the vehicle.

8 (3) There is charged for a permit to move a load that exceeds the single axle, tandem axle, or axle  
9 group limits set forth in 61-10-107(1) the following fee based upon the sum of excess in axle or axle group  
10 weights:

11 Total Excess Axle Weight 12 (pounds)	Calculated Cost of 25 Miles of Travel (dollars)
14 5,000 . . . . .	3.50
15 10,000 . . . . .	7.00
16 15,000 . . . . .	10.50
17 20,000 . . . . .	14.00
18 25,000 . . . . .	17.50
19 30,000 . . . . .	21.00
20 35,000 . . . . .	24.50
21 40,000 . . . . .	28.00
22 45,000 . . . . .	31.50
23 50,000 . . . . .	35.00
24 55,000 . . . . .	38.50
25 60,000 . . . . .	42.00
26 65,000 . . . . .	45.50
27 70,000 . . . . .	49.00
28 75,000 . . . . .	52.50
29 80,000 . . . . .	56.00
30 85,000 . . . . .	59.50

1	90,000	.....	63.00
2	95,000	.....	66.50
3	100,000	.....	70.00
4	over 100,000	.....	70.00 + 3.50 per 5,000 lbs. or
5			part of 5,000 lbs. in excess of 100,000 lbs.

6 (4) For purposes of subsection (3):

7 (a) mileage must be rounded off in units of 25 miles and mileage in excess of a 25-mile increment  
8 must be assessed at the next higher 25-mile increment; and

9 (b) weight must be rounded off in 5,000-pound increments and weight in excess of a 5,000-pound  
10 increment must be assessed at the next higher 5,000-pound increment.

11 (5) A vehicle must be licensed to the maximum allowable weight authorized under 61-10-107  
12 before an overweight permit may be issued."

13 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0091, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Department of Transportation to enter into contracts with private parties to act as agents of the department in issuing permits for excess size and weight of vehicles; providing annual permits and fees for overweight vehicles.

ASSUMPTIONS:

1. It is the intent of the department to offer annual permits in lieu of single trip permits for overweight, non-divisible loads.
2. Permit purchases have never been tracked by individual carrier; the department is unable to accurately estimate revenue changes. However, since annual permits in lieu of single trip permits would be optional, carriers will tend to choose this option to the extent total permit costs would be less than single-trip permits.

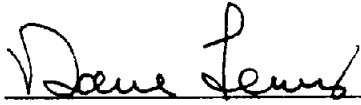
FISCAL IMPACT:

Expenditures:

Minor reduction in workload associated with processing single-trip permits.

Revenues:

Minor reduction in revenue for the highway special revenue account (02).

 1-16-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 1-17-95  
MACK COLE, PRIMARY SPONSOR      DATE

Fiscal Note for SB0091, as introduced

**SB 91**

SENATE BILL NO. 91

INTRODUCED BY

Cole

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CONTRACTS WITH PRIVATE PARTIES TO ACT AS AGENTS OF THE DEPARTMENT IN ISSUING PERMITS FOR EXCESS SIZE AND WEIGHT OF VEHICLES; PROVIDING ANNUAL PERMITS AND FEES FOR OVERWEIGHT VEHICLES; AND AMENDING SECTIONS 61-10-121 AND 61-10-125, MCA."

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

**Section 1.** Section 61-10-121, MCA, is amended to read:

**"61-10-121. Permits for excess size and weight -- agents.** (1) Upon application and with good cause shown, the department of transportation, or its agent under subsection (3), 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 61-10-110 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 61-10-110. 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, with no grace period. For the purposes of this section, a dealer in

1 implements of husbandry or self-propelled machinery must be a resident of the state. A post-office box  
2 number is not a permanent address under this section.

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

8 (3) The department may enter into a contract with a private party to act as an agent of the  
9 department for the purpose of issuing, in writing, a special permit allowed under this section."

10

11 **Section 2.** Section 61-10-125, MCA, is amended to read:

12 **"61-10-125. Other fees.** (1) There is charged for a single trip permit for a load that is over the  
13 gross allowable load provided for by the formula in 61-10-107(1) but that does not exceed axle limits set  
14 forth in 61-10-107(1):

15 (a) \$10 for distances to and including 100 miles;

16 (b) \$30 for distances from 101 to 199 miles; and

17 (c) \$50 for distances over 200 miles traveled.

18 (2) (a) There is charged a fee of:

19 (i) \$200 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that  
20 does not exceed a total of 5,000 pounds in excess axle weight;

21 (ii) \$500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that  
22 does not exceed a total of 10,000 pounds in excess axle weight, with no single axle exceeding 5,000  
23 pounds in excess axle weight;

24 (iii) \$750 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but  
25 that does not exceed a total of 15,000 pounds in excess axle weight, with no single axle exceeding 5,000  
26 pounds in excess axle weight;

27 (iv) \$1,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but  
28 that does not exceed a total of 20,000 pounds in excess axle weight, with no single axle exceeding 5,000  
29 pounds in excess axle weight and no tandem axle exceeding 15,000 pounds in excess axle weight.

30 (b) The fees provided in subsection (2)(a) are annual fees but may be prorated on a quarterly basis

1 and may be paid quarterly, semiannually, or annually. However, if the fee is paid other than annually, there  
2 is an additional fee of \$10 each time a fee is paid.

3 (c) A permit issued under this subsection (2) is valid for a period of no less than 1 calendar quarter  
4 and no more than 1 calendar year.

5 (d) The department or its agent may not issue a term permit for loads that exceed 10,000 pounds  
6 in excess axle weight unless the person applying for the term permit has obtained approval from the  
7 department, through a weight analysis, for the configuration of the vehicle.

8 (3) There is charged for a permit to move a load that exceeds the single axle, tandem axle, or axle  
9 group limits set forth in 61-10-107(1) the following fee based upon the sum of excess in axle or axle group  
10 weights:

11 Total Excess Axle Weight	Calculated Cost of
12 (pounds)	25 Miles of Travel
	13 (dollars)
14 5,000	3.50
15 10,000	7.00
16 15,000	10.50
17 20,000	14.00
18 25,000	17.50
19 30,000	21.00
20 35,000	24.50
21 40,000	28.00
22 45,000	31.50
23 50,000	35.00
24 55,000	38.50
25 60,000	42.00
26 65,000	45.50
27 70,000	49.00
28 75,000	52.50
29 80,000	56.00
30 85,000	59.50



1	90,000	.....	63.00
2	95,000	.....	66.50
3	100,000	.....	70.00
4	over 100,000	.....	70.00 + 3.50 per 5,000 lbs. or
5			part of 5,000 lbs. in excess of 100,000 lbs.

6 (4) For purposes of subsection (3):

7 (a) mileage must be rounded off in units of 25 miles and mileage in excess of a 25-mile increment  
8 must be assessed at the next higher 25-mile increment; and

9 (b) weight must be rounded off in 5,000-pound increments and weight in excess of a 5,000-pound  
10 increment must be assessed at the next higher 5,000-pound increment.

11 (5) A vehicle must be licensed to the maximum allowable weight authorized under 61-10-107  
12 before an overweight permit may be issued."

13 -END-

SENATE BILL NO. 91

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

INTRODUCED BY Cole

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CONTRACTS WITH PRIVATE PARTIES TO ACT AS AGENTS OF THE DEPARTMENT IN ISSUING PERMITS FOR EXCESS SIZE AND WEIGHT OF VEHICLES; PROVIDING ANNUAL PERMITS AND FEES FOR OVERWEIGHT VEHICLES; AND AMENDING SECTIONS 61-10-121 AND 61-10-125, MCA."

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

THERE ARE NO CHANGES IN THIS BILL AND WILL NOT BE REPRINTED. PLEASE REFER TO YELLOW COPY FOR COMPLETE TEXT.



## 1 SENATE BILL NO. 91

2 INTRODUCED BY COLE

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO  
6 ENTER INTO CONTRACTS WITH PRIVATE PARTIES TO ACT AS AGENTS OF THE DEPARTMENT IN  
7 ISSUING PERMITS FOR EXCESS SIZE AND WEIGHT OF VEHICLES; PROVIDING ANNUAL PERMITS AND  
8 FEES FOR OVERWEIGHT VEHICLES; AND AMENDING SECTIONS 61-10-121 AND 61-10-125, MCA."

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

11  
12 **Section 1.** Section 61-10-121, MCA, is amended to read:

13 **"61-10-121. Permits for excess size and weight -- agents.** (1) Upon application and with good  
14 cause shown, the department of transportation, or its agent under subsection (3), and local authorities in  
15 their respective jurisdictions may issue telephonically or in writing a special permit authorizing the applicant  
16 to operate or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight  
17 exceeding the maximum specified in 61-10-101 through 61-10-110 upon a highway under the jurisdiction  
18 of and for the maintenance of which the body granting the permit is responsible. However, only the  
19 department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or  
20 reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in  
21 61-10-101 through 61-10-110. This permit must be issued in the public interest. A carrier receiving this  
22 permit must have public liability and property damage insurance for the protection of the traveling public  
23 as a whole. A permit may not be issued for a period greater than the period for which the GVW license  
24 is valid, including grace periods, as provided in this title. Owners of vehicles licensed in other jurisdictions  
25 may, at the discretion of the department, purchase permits to expire with their registration. A license  
26 required by the state governs the issuance of a special permit. The department may issue to dealers in  
27 implements of husbandry and self-propelled machinery oversize permits, which may be transferred from unit  
28 to unit by the dealer, for the fee set forth in 61-10-124. These oversize permits may not restrict dealers  
29 in implements of husbandry and self-propelled machinery from traveling on a Saturday or Sunday and expire  
30 on December 31 of each year, with no grace period. For the purposes of this section, a dealer in

1 implements of husbandry or self-propelled machinery must be a resident of the state. A post-office box  
2 number is not a permanent address under this section.

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

8 (3) The department may enter into a contract with a private party to act as an agent of the  
9 department for the purpose of issuing, in writing, a special permit allowed under this section."

10

11 **Section 2.** Section 61-10-125, MCA, is amended to read:

12 **"61-10-125. Other fees.** (1) There is charged for a single trip permit for a load that is over the  
13 gross allowable load provided for by the formula in 61-10-107(1) but that does not exceed axle limits set  
14 forth in 61-10-107(1):

15 (a) \$10 for distances to and including 100 miles;

16 (b) \$30 for distances from 101 to 199 miles; and

17 (c) \$50 for distances over 200 miles traveled.

18 (2) (a) There is charged a fee of:

19 (i) \$200 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that  
20 does not exceed a total of 5,000 pounds in excess axle weight;

21 (ii) \$500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that  
22 does not exceed a total of 10,000 pounds in excess axle weight, with no single axle exceeding 5,000  
23 pounds in excess axle weight;

24 (iii) \$750 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but  
25 that does not exceed a total of 15,000 pounds in excess axle weight, with no single axle exceeding 5,000  
26 pounds in excess axle weight;

27 (iv) \$1,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but  
28 that does not exceed a total of 20,000 pounds in excess axle weight, with no single axle exceeding 5,000  
29 pounds in excess axle weight and no tandem axle exceeding 15,000 pounds in excess axle weight.

30 (b) The fees provided in subsection (2)(a) are annual fees but may be prorated on a quarterly basis

1 and may be paid quarterly, semiannually, or annually. However, if the fee is paid other than annually, there  
2 is an additional fee of \$10 each time a fee is paid.

3 (c) A permit issued under this subsection (2) is valid for a period of no less than 1 calendar quarter  
4 and no more than 1 calendar year.

5 (d) The department or its agent may not issue a term permit for loads that exceed 10,000 pounds  
6 in excess axle weight unless the person applying for the term permit has obtained approval from the  
7 department, through a weight analysis, for the configuration of the vehicle.

8 (3) There is charged for a permit to move a load that exceeds the single axle, tandem axle, or axle  
9 group limits set forth in 61-10-107(1) the following fee based upon the sum of excess in axle or axle group  
10 weights:

11 Total Excess Axle Weight 12 (pounds)	13 Calculated Cost of 14 25 Miles of Travel 15 (dollars)
16 5,000 .....	17 3.50
18 10,000 .....	19 7.00
20 15,000 .....	21 10.50
22 20,000 .....	23 14.00
24 25,000 .....	25 17.50
26 30,000 .....	27 21.00
28 35,000 .....	29 24.50
30 40,000 .....	31 28.00
32 45,000 .....	33 31.50
34 50,000 .....	35 35.00
36 55,000 .....	37 38.50
38 60,000 .....	39 42.00
40 65,000 .....	41 45.50
42 70,000 .....	43 49.00
44 75,000 .....	45 52.50
46 80,000 .....	47 56.00
48 85,000 .....	49 59.50

1	90,000	.....	63.00
2	95,000	.....	66.50
3	100,000	.....	70.00
4	over 100,000	.....	70.00 + 3.50 per 5,000 lbs. or
5			part of 5,000 lbs. in excess of 100,000 lbs.

6 (4) For purposes of subsection (3):

7 (a) mileage must be rounded off in units of 25 miles and mileage in excess of a 25-mile increment  
8 must be assessed at the next higher 25-mile increment; and

9 (b) weight must be rounded off in 5,000-pound increments and weight in excess of a 5,000-pound  
10 increment must be assessed at the next higher 5,000-pound increment.

11 (5) A vehicle must be licensed to the maximum allowable weight authorized under 61-10-107  
12 before an overweight permit may be issued."

13 -END-