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SENATE BILL NO. 245

INTRODUCED BY

[Signature]

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MAXIMUM ALLOWABLE WEIGHT ON AXLES EQUIPPED WITH SINGLE TIRES OR WITH WIDE-BASE TIRES; REPEALING OBSOLETE STATUTORY LANGUAGE RELATING TO PERMISSIBLE WEIGHT LOADS; 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, AND 61-10-201, MCA; REPEALING SECTION 61-10-105, MCA; AND PROVIDING AN IMMEDIATE 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~~ to be 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

1 two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance
2 between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

3 (2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), its
4 maximum load per inch of tire width, excluding the steering axle, may not exceed 500 pounds, based on
5 the table in 61-10-105(3) except for the steering axle, all axles weighing over 10,000 pounds must have
6 at least four tires or have wide-base tires. The maximum load on an axle, other than a steering axle,
7 equipped with wide-base tires is limited to 500 pounds per inch of tire width.

8 (b) The provisions of subsection (2)(a) do not apply to passenger buses.

9 (c) The maximum gross weight on the steering axle of any vehicle may not exceed the maximum
10 rated capacity as stated on the tires of the steering axle.

11 (d) For the purposes of this section, wide-base tires are tires that are 14 or more inches in nominal
12 width. The maximum tire weight limit is computed for wide-base tires based on the number of inches
13 shown on the tire marking, or if the tire marking is shown by metric size, the tire weight limit is computed
14 by conversion of the metric size.

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

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

26 (5) This section does not apply to highways that are a part of the national system of interstate and
27 defense highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this
28 state from receiving federal funds for highway purposes."
29

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

1 **"61-10-108. Reduction under special circumstances.** The maximum axle and axle group loads
2 stated in ~~61-10-105~~ 61-10-107 are subject to reasonable reduction in the discretion of the department of
3 transportation during periods when road subgrades have been weakened by water saturation or other
4 causes."

5

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

7 **"61-10-109. Operation without special permits prohibited.** The operation of vehicles or
8 combinations of vehicles having dimensions or weights in excess of the maximum limits specified in
9 61-10-101 through 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special
10 permit issued by the department of transportation or its agents or the highway patrol."

11

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

13 **"61-10-110. Federal law.** Sections 61-10-101 through 61-10-104 and 61-10-106 through
14 61-10-109 do not authorize, without a permit issued as provided by law, the operation of a combination
15 of vehicles having a gross weight, axle load, or size in excess of that authorized in those sections, or the
16 operation on the national system of interstate and defense highways of a combination of vehicles ~~on the~~
17 ~~national system of interstate and defense highways~~ having a gross weight or size in excess of ~~that the~~ the
18 maximum weight and size permitted by law in this state before July 1, 1956, or permitted by federal law
19 or regulation ~~in excess thereof, which is adopted~~. If federal law allows establishment of ~~size and weight~~
20 and size limits in excess of ~~those the allowable limits~~ permitted in ~~those sections~~ 61-10-101 through
21 61-10-104 and 61-10-106 through 61-10-109, without penalty or denial of federal funds for highway
22 purposes, the department of transportation may, by permit designating highway routing, authorize the
23 movement on highways under its jurisdiction of vehicles or combinations of vehicles of a ~~size or weight or~~
24 size in excess of the limits provided for in those sections, but within the limits necessary to qualify for
25 federal-aid highway funds."

26

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

28 **"61-10-121. Permits for excess size and weight.** (1) (a) Upon application and with good cause
29 shown, the department of transportation and local authorities in their respective jurisdictions may issue
30 telephonically or in writing a special permit authorizing the applicant to operate or move a vehicle,

1 combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified
 2 in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the jurisdiction
 3 of and for the maintenance of which the body granting the permit is responsible. However, only the
 4 department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or
 5 reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in
 6 61-10-101 through ~~61-10-110~~ 61-10-104 and 61-10-106 through 61-10-110. This permit must be issued
 7 in the public interest. A carrier receiving this permit must have public liability and property damage
 8 insurance for the protection of the traveling public as a whole. A permit may not be issued for a period
 9 greater than the period for which the GVW license is valid, including grace periods, as provided in this title.
 10 Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits
 11 to expire with their registration. A license required by the state governs the issuance of a special permit.

12 (b) The department may issue to dealers in implements of husbandry and self-propelled machinery
 13 oversize permits, ~~which~~. The permits may be transferred from unit to unit by the dealer, for the fee set
 14 forth in 61-10-124. These oversize permits may not restrict dealers in implements of husbandry and
 15 self-propelled machinery from traveling on a Saturday or Sunday and expire on December 31 of each year,
 16 with no grace period. For the purposes of this section, a dealer in implements of husbandry or
 17 self-propelled machinery must be a resident of the state. A post-office box number is not a permanent
 18 address under this section.

19 (2) The applicant for a special permit shall specifically describe the powered vehicle or towing
 20 vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to
 21 be operated or moved and the particular state highways over which the vehicle, combination of vehicles,
 22 load, object, or other thing is to be moved and whether the permit is required for a single trip or for
 23 continuous operation."
 24

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

26 "**61-10-124. Special permits -- fee fees -- cranes.** (1) As used in this section, "crane" means a
 27 self-propelled, single-unit vehicle consisting of not more than four axles and used for raising, shifting, and
 28 lowering heavy weights by means of a projecting swinging arm.

29 (2) Except as provided in subsections (3)(b), (3)(d), and (6), in addition to the regular registration
 30 and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit

1 issued for size and weight in excess of that specified in 61-10-101 through 61-10-104 and 61-10-106
2 through 61-10-110 must be paid for all movements under special permits on the public highways under the
3 jurisdiction of the department of transportation.

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

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

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

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

1 (4) Except as provided in subsection (3)(b), a permit may not be issued for a period of time greater
2 than the period for which the GVW license is valid as provided in this title, including grace periods allowed
3 by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of
4 transportation, purchase permits to expire with their registration. A license required by the state governs
5 the issuance of a special permit.

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

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

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

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

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

22 (d) an individual cargo unit of the combination may not exceed 28½ feet in length and 102 inches
23 in width;

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

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

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

30 (h) the department may enforce any other restrictions determined by the department to be

1 necessary. The permit is not transferable, and the fee for the permit is \$200.

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

4 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than
5 95 feet; and

6 (b) the person, firm, or corporation applying for the permit:

7 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore,
8 chlorite, dolomite, limestone, and custom combine equipment;

9 (ii) operated the truck-trailer-trailer combination before July 1, 1987;

10 (iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that
11 those vehicles used before July 1, 1987; and

12 (iv) provides the department of transportation with an affidavit confirming the routes used before
13 July 1, 1987, for truck-trailer-trailer operations."

14

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

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

19

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

21 "**61-10-128. When authorities may restrict right to use roadway.** (1) A local authority may not
22 alter the limitations provided in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 or
23 substitute other limitations or requirements, except as provided in this section.

24 (2) The department of transportation by order, or a local road authority by ordinance or resolution,
25 may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a
26 public highway under its respective jurisdiction and for which it is responsible for maintenance whenever
27 the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic
28 conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and
29 speed are reduced. The department of transportation or the authority that enacts the ordinance or
30 resolution shall erect signs designating the department's order or the authority's ordinance or resolution at

1 each end of that portion of the highway affected, and the order, ~~or ordinance,~~ or resolution is not effective
 2 until the signs are erected. The department of transportation, or the authority by ordinance or resolution,
 3 may prohibit the operation of trucks or other commercial vehicles or impose limitations on their weight on
 4 designated highways, subject to the provisions of subsection (3). These prohibitions and limitations must
 5 be designated by appropriate signs placed on the highways.

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

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

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

12 (c) the driver possesses a federal-state inspection certificate issued for the load.

13 (4) A permit referred to in subsection (3) may be revoked for violating any condition of the permit."
 14

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

16 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**
 17 **enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds.** (1)
 18 A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh
 19 any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except
 20 recreational vehicles as defined in 61-1-132, ~~either~~ by means of either portable or stationary scales, and
 21 may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person
 22 may then require the driver to unload at a designated facility that portion of the load necessary to decrease
 23 the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through
 24 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an
 25 excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of
 26 the excess weight load to proceed to a designated facility where the load can be safely reduced to legal
 27 limits.

28 (2) Commodities and material unloaded as required by this section must be cared for by the owner
 29 or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as
 30 required by this section may not be left on the highway right-of-way.

1 (3) The department of transportation may establish, maintain, and operate weigh stations, either
2 intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup
3 trucks under 14,000 pounds ~~G.V.W.~~ GVW and recreational vehicles as defined in 61-1-132 (that are not
4 new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer),
5 to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their
6 operation and safety requirements. The department may require vehicles over 10,000 pounds to be
7 inspected and weighed by portable scale crews.

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

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

16 (a) issue citations and make arrests in connection with violations of safety standards adopted under
17 44-1-1005;

18 (b) issue summons;

19 (c) accept bail;

20 (d) serve warrants for arrest;

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

22 (f) make reasonable safety inspections of commercial motor vehicles ~~utilized~~ used by motor carriers;

23 and

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

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

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

30 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery

1 for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in
2 Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of
3 lading was obtained."

4

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

6 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or
7 corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

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

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

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

25 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)
26 may move over a highway, except any highway that is part of the federal-aid interstate system, within a
27 50-mile radius of the harvested field to the point of first unloading without incurring the excess weight
28 penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not
29 exceed allowable weight limitations by more than 20% per axle, but the maximum load per inch of tire
30 width may not exceed 670 pounds. The vehicle or combination of vehicles may not exceed 40 miles per

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

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

6 **"61-10-145. Penalties.** (1) A person, firm, or corporation convicted of violating 61-10-101
7 through 61-10-104 and 61-10-106 through 61-10-110 shall be punished by a fine of not less than \$30 or
8 more than \$100. A person, firm, or corporation convicted of operating a motor vehicle upon the public
9 highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum
10 permitted by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 shall be fined, in addition
11 to other penalties provided by law for the offense, the following amounts:

- 12 (a) \$30 for any excess weight up to and including 2,000 pounds;
13 (b) \$75 for any excess weight more than 2,000 pounds and less than 4,001 pounds;
14 (c) \$125 for any excess weight more than 4,000 pounds and less than 6,001 pounds;
15 (d) \$175 for any excess weight more than 6,000 pounds and less than 8,001 pounds;
16 (e) \$250 for any excess weight more than 8,000 pounds and less than 10,001 pounds;
17 (f) \$275 for any excess weight more than 10,000 pounds and less than 12,001 pounds;
18 (g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;
19 (h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;
20 (i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;
21 (j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;
22 (k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;
23 (l) \$2,000 for any excess weight more than 25,000 pounds.

24 (2) If a motor vehicle is equipped with a retractable axle that is not fully extended and carrying its
25 proportionate share of the load while the motor vehicle is operated upon the highways of this state, the
26 weight penalties in subsection (1) apply to all weight over the legal maximum allowed by the fixed axles
27 regardless of whether the axle is extended at the time of weighing. In addition to the penalties in subsection
28 (1), the owner or operator shall be fined \$100 for failure to have the retractable axle fully extended while
29 the gross weight of the vehicle exceeds the legal maximum allowed by the fixed axles.

30 (3) A complaint filed and a summons or notice to appear issued pertaining to a violation of the

1 gross weight regulations in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must specify
2 the amount of the excess weight that the defendant is alleged to have had upon the vehicle or combination
3 of vehicles.

4 (4) The penalties in subsection (1) do not apply to an operator who fails to secure a special permit
5 as provided for in 61-10-107(3) if the vehicle or combination of vehicles is not overweight with that permit.
6 The failure to obtain the special permit is punishable under 61-10-146 and under this section as provided
7 in 61-10-146, and the operator is required to purchase the permit. If the vehicle or combination of vehicles
8 exceeds the weight limitations allowed by special permit and the operator fails to obtain a permit under
9 61-10-107(3), the penalties of subsection (1) apply to the weight exceeding 80,000 pounds.

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

12

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

14 **"61-10-201. Gross weight fees on motortrucks, truck tractors, and buses.** In addition to other fees
15 for the licensing of vehicles and except as provided in 61-10-203, there must be paid and collected annually
16 for each truck, truck tractor, and bus, based upon the maximum gross loaded weight and the maximum
17 gross weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's
18 application, the following fees:

19 Schedule I

20 Up to 6,000 lbs.	\$ 7.50
21 6,001 through 8,000 lbs.	9.50
22 8,001 through 10,000 lbs.	13.25
23 10,001 through 12,000 lbs.	15.00
24 12,001 through 14,000 lbs.	17.00
25 14,001 through 16,000 lbs.	21.00
26 16,001 through 18,000 lbs.	28.00
27 18,001 through 20,000 lbs.	37.50
28 20,001 through 22,000 lbs.	47.00
29 22,001 through 24,000 lbs.	70.00
30 24,001 through 26,000 lbs.	90.00

1	26,001 through 28,000 lbs.	110.00
2	28,001 through 30,000 lbs.	130.00
3	30,001 through 32,000 lbs.	150.00
4	32,001 through 34,000 lbs.	170.00
5	34,001 through 36,000 lbs.	190.00
6	36,001 through 38,000 lbs.	215.00
7	38,001 through 40,000 lbs.	235.00
8	40,001 through 42,000 lbs.	255.00
9	42,001 through 44,000 lbs.	275.00
10	44,001 through 46,000 lbs.	300.00
11	46,001 through 48,000 lbs.	320.00
12	48,001 through 50,000 lbs.	340.00
13	50,001 through 52,000 lbs.	360.00
14	52,001 through 54,000 lbs.	380.00
15	54,001 through 56,000 lbs.	400.00
16	56,001 through 58,000 lbs.	420.00
17	58,001 through 60,000 lbs.	440.00
18	60,001 through 62,000 lbs.	460.00
19	62,001 through 64,000 lbs.	482.50
20	64,001 through 66,000 lbs.	502.50
21	66,001 through 68,000 lbs.	522.50
22	68,001 through 70,000 lbs.	545.75
23	70,001 through 72,000 lbs.	566.50
24	72,001 through 74,000 lbs.	607.50
25	74,001 through 76,000 lbs.	655.00
26	76,001 through 78,000 lbs.	695.00
27	78,001 through 80,000 lbs.	750.00
28	Over 80,000 lbs. and within the weight limits	
29	specified in 61-10-101 through <u>61-10-104</u> and <u>61-10-106</u> through 61-10-110	750.00
30		plus an additional 46.00

1 for each ton or fraction of a ton in excess of 80,000 lbs."

2

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

4

5 NEW SECTION. **Section 15. Date of compliance.** All equipment existing on or after [the effective
6 date of this act] must comply with the provision of 61-10-107(2) by January 1, 1996.

7

8 NEW SECTION. **Section 16. Effective date.** [This act] is effective on passage and approval.

9

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0245, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the maximum allowable weight on axles equipped with single tires or with wide-base tires; repealing obsolete statutory language relating to permissible weight loads.

FISCAL IMPACT:

None.

Dave Lewis 1-27-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Senator Jenkins
LOREN JENKINS PRIMARY SPONSOR DATE
Fiscal Note for SB0245, as introduced

SB 245

APPROVED BY COM ON
HIGHWAYS & TRANSPORTATION

1 SENATE BILL NO. 245

2 INTRODUCED BY JENKINS

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MAXIMUM ALLOWABLE WEIGHT ON AXLES
6 EQUIPPED WITH SINGLE TIRES OR WITH WIDE-BASE TIRES; REPEALING OBSOLETE STATUTORY
7 LANGUAGE RELATING TO PERMISSIBLE WEIGHT LOADS; AMENDING SECTIONS 61-10-101, 61-10-107,
8 61-10-108, 61-10-109, 61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128, 61-10-141,
9 61-10-144, 61-10-145, AND 61-10-201, MCA; REPEALING SECTION 61-10-105, MCA; AND PROVIDING
10 AN IMMEDIATE EFFECTIVE DATE."

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

13
14 **Section 1.** Section 61-10-101, MCA, is amended to read:

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

19
20 **Section 2.** Section 61-10-107, MCA, is amended to read:

21 **"61-10-107. Maximum gross weight -- when permit required.** (1) An axle may not carry a load
22 in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches
23 apart may carry a load in excess of 34,000 pounds. An axle load is the total load transmitted to the road
24 by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart,
25 extending across the full width of the vehicle. For purposes of this section, axles 40 inches or less apart
26 are considered ~~as~~ to be a single axle. A vehicle or combination may not have more than nine axles. The
27 maximum gross weight allowed on a vehicle, group of axles, or combination of vehicles must be determined
28 by the formula:

$$29 \quad W = 500((LN/(N - 1)) + 12N + 36)$$

30 in which W equals gross weight, L equals wheel base in feet, and N equals number of axles, except that

1 two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance
2 between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

3 (2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), its
4 ~~maximum load per inch of tire width, excluding the steering axle, may not exceed 500 pounds, based on~~
5 ~~the table in 61-10-105(3) except for the steering axle, all axles weighing over 10,000 11,000 pounds must~~
6 ~~have at least four tires or have wide-base tires. The maximum load on an axle, other than a steering axle,~~
7 ~~equipped with wide-base tires is limited to 500 pounds per inch of tire width.~~

8 (b) The provisions of subsection (2)(a) do not apply to passenger buses.

9 ~~(c) The maximum gross weight on the steering axle of any vehicle may not exceed the maximum~~
10 ~~rated capacity as stated on the tires of the steering axle.~~

11 (d)(C) For the purposes of this section, wide-base tires are tires that are 14 or more inches in
12 nominal width. The maximum tire weight limit is computed for wide-base tires based on the number of
13 inches shown on the tire marking, or if the tire marking is shown by metric size, the tire weight limit is
14 computed by conversion of the metric size.

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

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

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

29

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

1 **"61-10-108. Reduction under special circumstances.** The maximum axle and axle group loads
2 stated in ~~61-10-105~~ 61-10-107 are subject to reasonable reduction in the discretion of the department of
3 transportation during periods when road subgrades have been weakened by water saturation or other
4 causes."

5
6 **Section 4.** Section 61-10-109, MCA, is amended to read:

7 **"61-10-109. Operation without special permits prohibited.** The operation of vehicles or
8 combinations of vehicles having dimensions or weights in excess of the maximum limits specified in
9 61-10-101 through 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special
10 permit issued by the department of transportation or its agents or the highway patrol."

11
12 **Section 5.** Section 61-10-110, MCA, is amended to read:

13 **"61-10-110. Federal law.** Sections 61-10-101 through 61-10-104 and 61-10-106 through
14 61-10-109 do not authorize, without a permit issued as provided by law, the operation of a combination
15 of vehicles having a gross weight, axle load, or size in excess of that authorized in those sections, or the
16 operation on the national system of interstate and defense highways of a combination of vehicles ~~on the~~
17 ~~national system of interstate and defense highways~~ having a gross weight or size in excess of that the
18 maximum weight and size permitted by law in this state before July 1, 1956, or permitted by federal law
19 or regulation in excess thereof, which is adopted. If federal law allows establishment of ~~size and weight~~
20 and size limits in excess of these the allowable limits permitted in these sections 61-10-101 through
21 61-10-104 and 61-10-106 through 61-10-109, without penalty or denial of federal funds for highway
22 purposes, the department of transportation may, by permit designating highway routing, authorize the
23 movement on highways under its jurisdiction of vehicles or combinations of vehicles of a ~~size or weight or~~
24 size in excess of the limits provided for in those sections, but within the limits necessary to qualify for
25 federal-aid highway funds."

26
27 **Section 6.** Section 61-10-121, MCA, is amended to read:

28 **"61-10-121. Permits for excess size and weight.** (1) (a) Upon application and with good cause
29 shown, the department of transportation and local authorities in their respective jurisdictions may issue
30 telephonically or in writing a special permit authorizing the applicant to operate or move a vehicle,

1 combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified
 2 in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the jurisdiction
 3 of and for the maintenance of which the body granting the permit is responsible. However, only the
 4 department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or
 5 reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in
 6 61-10-101 through ~~61-10-110~~ 61-10-104 and 61-10-106 through 61-10-110. This permit must be issued
 7 in the public interest. A carrier receiving this permit must have public liability and property damage
 8 insurance for the protection of the traveling public as a whole. A permit may not be issued for a period
 9 greater than the period for which the GVW license is valid, including grace periods, as provided in this title.
 10 Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits
 11 to expire with their registration. A license required by the state governs the issuance of a special permit.

12 (b) The department may issue to dealers in implements of husbandry and self-propelled machinery
 13 oversize permits, ~~which~~. The permits may be transferred from unit to unit by the dealer, for the fee set
 14 forth in 61-10-124. These oversize permits may not restrict dealers in implements of husbandry and
 15 self-propelled machinery from traveling on a Saturday or Sunday and expire on December 31 of each year,
 16 with no grace period. For the purposes of this section, a dealer in implements of husbandry or
 17 self-propelled machinery must be a resident of the state. A post-office box number is not a permanent
 18 address under this section.

19 (2) The applicant for a special permit shall specifically describe the powered vehicle or towing
 20 vehicle and generally describe the type of vehicle, combination of vehicles, load, object, or other thing to
 21 be operated or moved and the particular state highways over which the vehicle, combination of vehicles,
 22 load, object, or other thing is to be moved and whether the permit is required for a single trip or for
 23 continuous operation."
 24

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

26 "**61-10-124. Special permits -- ~~fee fees~~ -- cranes.** (1) As used in this section, "crane" means a
 27 self-propelled, single-unit vehicle consisting of not more than four axles and used for raising, shifting, and
 28 lowering heavy weights by means of a projecting swinging arm.

29 (2) Except as provided in subsections (3)(b), (3)(d), and (6), in addition to the regular registration
 30 and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit

1 issued for size and weight in excess of that specified in 61-10-101 through 61-10-104 and 61-10-106
2 through 61-10-110 must be paid for all movements under special permits on the public highways under the
3 jurisdiction of the department of transportation.

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

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

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

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

1 (4) Except as provided in subsection (3)(b), a permit may not be issued for a period of time greater
2 than the period for which the GVW license is valid as provided in this title, including grace periods allowed
3 by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of
4 transportation, purchase permits to expire with their registration. A license required by the state governs
5 the issuance of a special permit.

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

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

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

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

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

22 (d) an individual cargo unit of the combination may not exceed 28½ feet in length and 102 inches
23 in width;

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

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

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

30 (h) the department may enforce any other restrictions determined by the department to be

1 necessary. The permit is not transferable, and the fee for the permit is \$200.

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

4 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than
5 95 feet; and

6 (b) the person, firm, or corporation applying for the permit:

7 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore,
8 chlorite, dolomite, limestone, and custom combine equipment;

9 (ii) operated the truck-trailer-trailer combination before July 1, 1987;

10 (iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that
11 those vehicles used before July 1, 1987; and

12 (iv) provides the department of transportation with an affidavit confirming the routes used before
13 July 1, 1987, for truck-trailer-trailer operations."

14

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

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

19

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

21 "**61-10-128. When authorities may restrict right to use roadway.** (1) A local authority may not
22 alter the limitations provided in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 or
23 substitute other limitations or requirements, except as provided in this section.

24 (2) The department of transportation by order, or a local road authority by ordinance or resolution,
25 may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a
26 public highway under its respective jurisdiction and for which it is responsible for maintenance whenever
27 the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic
28 conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and
29 speed are reduced. The department of transportation or the authority that enacts the ordinance or
30 resolution shall erect signs designating the department's order or the authority's ordinance or resolution at

1 each end of that portion of the highway affected, and the order, ~~or ordinance,~~ or resolution is not effective
 2 until the signs are erected. The department of transportation, or the authority by ordinance or resolution,
 3 may prohibit the operation of trucks or other commercial vehicles or impose limitations on their weight on
 4 designated highways, subject to the provisions of subsection (3). These prohibitions and limitations must
 5 be designated by appropriate signs placed on the highways.

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

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

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

12 (c) the driver possesses a federal-state inspection certificate issued for the load.

13 (4) A permit referred to in subsection (3) may be revoked for violating any condition of the permit."
 14

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

16 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**
 17 **enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds. (1)**
 18 A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh
 19 any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except
 20 recreational vehicles as defined in 61-1-132, ~~either~~ by means of either portable or stationary scales, and
 21 may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person
 22 may then require the driver to unload at a designated facility that portion of the load necessary to decrease
 23 the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through
 24 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an
 25 excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of
 26 the excess weight load to proceed to a designated facility where the load can be safely reduced to legal
 27 limits.

28 (2) Commodities and material unloaded as required by this section must be cared for by the owner
 29 or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as
 30 required by this section may not be left on the highway right-of-way.

1 (3) The department of transportation may establish, maintain, and operate weigh stations, either
2 intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup
3 trucks under 14,000 pounds ~~G.V.W.~~ GVW and recreational vehicles as defined in 61-1-132 (that are not
4 new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer),
5 to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their
6 operation and safety requirements. The department may require vehicles over 10,000 pounds to be
7 inspected and weighed by portable scale crews.

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

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

16 (a) issue citations and make arrests in connection with violations of safety standards adopted under
17 44-1-1005;

18 (b) issue summons;

19 (c) accept bail;

20 (d) serve warrants for arrest;

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

22 (f) make reasonable safety inspections of commercial motor vehicles ~~utilized~~ used by motor carriers;

23 and

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

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

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

30 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery

1 for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in
2 Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of
3 lading was obtained."

4

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

6 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or
7 corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

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

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

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

25 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)
26 may move over a highway, except any highway that is part of the federal-aid interstate system, within a
27 50-mile radius of the harvested field to the point of first unloading without incurring the excess weight
28 penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not
29 exceed allowable weight limitations by more than 20% per axle, but the maximum load per inch of tire
30 width may not exceed 670 pounds. The vehicle or combination of vehicles may not exceed 40 miles per

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

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

6 **"61-10-145. Penalties.** (1) A person, firm, or corporation convicted of violating 61-10-101
7 through 61-10-104 and 61-10-106 through 61-10-110 shall be punished by a fine of not less than \$30 or
8 more than \$100. A person, firm, or corporation convicted of operating a motor vehicle upon the public
9 highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum
10 permitted by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 shall be fined, in addition
11 to other penalties provided by law for the offense, the following amounts:

- 12 (a) \$30 for any excess weight up to and including 2,000 pounds;
13 (b) \$75 for any excess weight more than 2,000 pounds and less than 4,001 pounds;
14 (c) \$125 for any excess weight more than 4,000 pounds and less than 6,001 pounds;
15 (d) \$175 for any excess weight more than 6,000 pounds and less than 8,001 pounds;
16 (e) \$250 for any excess weight more than 8,000 pounds and less than 10,001 pounds;
17 (f) \$275 for any excess weight more than 10,000 pounds and less than 12,001 pounds;
18 (g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;
19 (h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;
20 (i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;
21 (j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;
22 (k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;
23 (l) \$2,000 for any excess weight more than 25,000 pounds.

24 (2) If a motor vehicle is equipped with a retractable axle that is not fully extended and carrying its
25 proportionate share of the load while the motor vehicle is operated upon the highways of this state, the
26 weight penalties in subsection (1) apply to all weight over the legal maximum allowed by the fixed axles
27 regardless of whether the axle is extended at the time of weighing. In addition to the penalties in subsection
28 (1), the owner or operator shall be fined \$100 for failure to have the retractable axle fully extended while
29 the gross weight of the vehicle exceeds the legal maximum allowed by the fixed axles.

30 (3) A complaint filed and a summons or notice to appear issued pertaining to a violation of the

1 gross weight regulations in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must specify
2 the amount of the excess weight that the defendant is alleged to have had upon the vehicle or combination
3 of vehicles.

4 (4) The penalties in subsection (1) do not apply to an operator who fails to secure a special permit
5 as provided for in 61-10-107(3) if the vehicle or combination of vehicles is not overweight with that permit.
6 The failure to obtain the special permit is punishable under 61-10-146 and under this section as provided
7 in 61-10-146, and the operator is required to purchase the permit. If the vehicle or combination of vehicles
8 exceeds the weight limitations allowed by special permit and the operator fails to obtain a permit under
9 61-10-107(3), the penalties of subsection (1) apply to the weight exceeding 80,000 pounds.

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

12

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

14 **"61-10-201. Gross weight fees on motortrucks, truck tractors, and buses.** In addition to other fees
15 for the licensing of vehicles and except as provided in 61-10-203, there must be paid and collected annually
16 for each truck, truck tractor, and bus, based upon the maximum gross loaded weight and the maximum
17 gross weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's
18 application, the following fees:

19 Schedule I

20 Up to 6,000 lbs.	\$ 7.50
21 6,001 through 8,000 lbs.	9.50
22 8,001 through 10,000 lbs.	13.25
23 10,001 through 12,000 lbs.	15.00
24 12,001 through 14,000 lbs.	17.00
25 14,001 through 16,000 lbs.	21.00
26 16,001 through 18,000 lbs.	28.00
27 18,001 through 20,000 lbs.	37.50
28 20,001 through 22,000 lbs.	47.00
29 22,001 through 24,000 lbs.	70.00
30 24,001 through 26,000 lbs.	90.00

1	26,001 through 28,000 lbs.	110.00
2	28,001 through 30,000 lbs.	130.00
3	30,001 through 32,000 lbs.	150.00
4	32,001 through 34,000 lbs.	170.00
5	34,001 through 36,000 lbs.	190.00
6	36,001 through 38,000 lbs.	215.00
7	38,001 through 40,000 lbs.	235.00
8	40,001 through 42,000 lbs.	255.00
9	42,001 through 44,000 lbs.	275.00
10	44,001 through 46,000 lbs.	300.00
11	46,001 through 48,000 lbs.	320.00
12	48,001 through 50,000 lbs.	340.00
13	50,001 through 52,000 lbs.	360.00
14	52,001 through 54,000 lbs.	380.00
15	54,001 through 56,000 lbs.	400.00
16	56,001 through 58,000 lbs.	420.00
17	58,001 through 60,000 lbs.	440.00
18	60,001 through 62,000 lbs.	460.00
19	62,001 through 64,000 lbs.	482.50
20	64,001 through 66,000 lbs.	502.50
21	66,001 through 68,000 lbs.	522.50
22	68,001 through 70,000 lbs.	545.75
23	70,001 through 72,000 lbs.	566.50
24	72,001 through 74,000 lbs.	607.50
25	74,001 through 76,000 lbs.	655.00
26	76,001 through 78,000 lbs.	695.00
27	78,001 through 80,000 lbs.	750.00
28	Over 80,000 lbs. and within the weight limits	
29	specified in 61-10-101 through <u>61-10-104 and 61-10-106 through 61-10-110</u>	750.00
30		plus an additional 46.00

1 for each ton or fraction of a ton in excess of 80,000 lbs."

2

3 NEW SECTION. Section 14. Repealer. Section 61-10-105, MCA, is repealed.

4

5 NEW SECTION. Section 15. Date of compliance. All equipment existing on or after [the effective
6 date of this act] must comply with the provision of 61-10-107(2) by January 1, 1996.

7

8 NEW SECTION. Section 16. Effective date. [This act] is effective on passage and approval.

9

-END-

1 SENATE BILL NO. 245

2 INTRODUCED BY JENKINS

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MAXIMUM ALLOWABLE WEIGHT ON AXLES
6 EQUIPPED WITH SINGLE TIRES OR WITH WIDE-BASE TIRES; REPEALING OBSOLETE STATUTORY
7 LANGUAGE RELATING TO PERMISSIBLE WEIGHT LOADS; AMENDING SECTIONS 61-10-101, 61-10-107,
8 61-10-108, 61-10-109, 61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128, 61-10-141,
9 61-10-144, 61-10-145, AND 61-10-201, MCA; REPEALING SECTION 61-10-105, MCA; AND PROVIDING
10 AN IMMEDIATE EFFECTIVE DATE."

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

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

1 SENATE BILL NO. 245

2 INTRODUCED BY JENKINS

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MAXIMUM ALLOWABLE WEIGHT ON AXLES
6 EQUIPPED WITH SINGLE TIRES OR WITH WIDE-BASE TIRES; REPEALING OBSOLETE STATUTORY
7 LANGUAGE RELATING TO PERMISSIBLE WEIGHT LOADS; AMENDING SECTIONS 61-10-101, 61-10-107,
8 61-10-108, 61-10-109, 61-10-110, 61-10-121, 61-10-124, 61-10-126, 61-10-128, 61-10-141,
9 61-10-144, 61-10-145, AND 61-10-201, MCA; REPEALING SECTION 61-10-105, MCA; AND PROVIDING
10 AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1314 **Section 1.** Section 61-10-101, MCA, is amended to read:

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

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

21 **"61-10-107. Maximum gross weight -- when permit required.** (1) An axle may not carry a load
22 in excess of 20,000 pounds, and no two consecutive axles more than 40 inches or less than 96 inches
23 apart may carry a load in excess of 34,000 pounds. An axle load is the total load transmitted to the road
24 by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart,
25 extending across the full width of the vehicle. For purposes of this section, axles 40 inches or less apart
26 are considered ~~as~~ to be a single axle. A vehicle or combination may not have more than nine axles. The
27 maximum gross weight allowed on a vehicle, group of axles, or combination of vehicles must be determined
28 by the formula:

$$29 \quad W = 500((LN/(N - 1)) + 12N + 36)$$

30 in which W equals gross weight, L equals wheel base in feet, and N equals number of axles, except that

1 two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance
2 between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

3 (2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), its
4 maximum load per inch of tire width, excluding the steering axle, may not exceed 500 pounds, based on
5 the table in 61-10-105(3) except for the steering axle, all axles weighing over 10,000 11,000 pounds must
6 have at least four tires or have wide-base tires. The maximum load on an axle, other than a steering axle,
7 equipped with wide-base tires is limited to 500 pounds per inch of tire width.

8 (b) The provisions of subsection (2)(a) do not apply to passenger buses.

9 (c) The maximum gross weight on the steering axle of any vehicle may not exceed the maximum
10 rated capacity as stated on the tires of the steering axle.

11 (d)(C) For the purposes of this section, wide-base tires are tires that are 14 or more inches in
12 nominal width. The maximum tire weight limit is computed for wide-base tires based on the number of
13 inches shown on the tire marking, or if the tire marking is shown by metric size, the tire weight limit is
14 computed by conversion of the metric size.

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

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

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

29

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

1 **"61-10-108. Reduction under special circumstances.** The maximum axle and axle group loads
 2 stated in ~~61-10-105~~ 61-10-107 are subject to reasonable reduction in the discretion of the department of
 3 transportation during periods when road subgrades have been weakened by water saturation or other
 4 causes."

5
 6 **Section 4.** Section 61-10-109, MCA, is amended to read:

7 **"61-10-109. Operation without special permits prohibited.** The operation of vehicles or
 8 combinations of vehicles having dimensions or weights in excess of the maximum limits specified in
 9 61-10-101 through 61-10-104 and 61-10-106 through 61-10-108 is permitted only if authorized by special
 10 permit issued by the department of transportation or its agents or the highway patrol."

11
 12 **Section 5.** Section 61-10-110, MCA, is amended to read:

13 **"61-10-110. Federal law.** Sections 61-10-101 through 61-10-104 and 61-10-106 through
 14 61-10-109 do not authorize, without a permit issued as provided by law, the operation of a combination
 15 of vehicles having a gross weight, axle load, or size in excess of that authorized in those sections, or the
 16 operation on the national system of interstate and defense highways of a combination of vehicles ~~on the~~
 17 ~~national system of interstate and defense highways~~ having a gross weight or size in excess of ~~that~~ the
 18 maximum weight and size permitted by law in this state before July 1, 1956, or permitted by federal law
 19 or regulation ~~in excess thereof, which is adopted.~~ If federal law allows establishment of ~~size and weight~~
 20 and size limits in excess of ~~these~~ the allowable limits permitted in ~~these sections~~ 61-10-101 through
 21 61-10-104 and 61-10-106 through 61-10-109, without penalty or denial of federal funds for highway
 22 purposes, the department of transportation may, by permit designating highway routing, authorize the
 23 movement on highways under its jurisdiction of vehicles or combinations of vehicles of a ~~size or weight or~~
 24 size in excess of the limits provided for in those sections, but within the limits necessary to qualify for
 25 federal-aid highway funds."

26
 27 **Section 6.** Section 61-10-121, MCA, is amended to read:

28 **"61-10-121. Permits for excess size and weight.** (1) (a) Upon application and with good cause
 29 shown, the department of transportation and local authorities in their respective jurisdictions may issue
 30 telephonically or in writing a special permit authorizing the applicant to operate or move a vehicle,

1 combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified
 2 in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the jurisdiction
 3 of and for the maintenance of which the body granting the permit is responsible. However, only the
 4 department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or
 5 reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in
 6 61-10-101 through ~~61-10-110~~ 61-10-104 and 61-10-106 through 61-10-110. This permit must be issued
 7 in the public interest. A carrier receiving this permit must have public liability and property damage
 8 insurance for the protection of the traveling public as a whole. A permit may not be issued for a period
 9 greater than the period for which the GVW license is valid, including grace periods, as provided in this title.
 10 Owners of vehicles licensed in other jurisdictions may, at the discretion of the department, purchase permits
 11 to expire with their registration. A license required by the state governs the issuance of a special permit.

12 (b) The department may issue to dealers in implements of husbandry and self-propelled machinery
 13 oversize permits, ~~which~~. The permits may be transferred from unit to unit by the dealer, for the fee set
 14 forth in 61-10-124. These oversize permits may not restrict dealers in implements of husbandry and
 15 self-propelled machinery from traveling on a Saturday or Sunday and expire on December 31 of each year,
 16 with no grace period. For the purposes of this section, a dealer in implements of husbandry or
 17 self-propelled machinery must be a resident of the state. A post-office box number is not a permanent
 18 address under this section.

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

24

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

26 "**61-10-124. Special permits -- ~~fee fees~~ -- cranes.** (1) As used in this section, "crane" means a
 27 self-propelled, single-unit vehicle consisting of not more than four axles and used for raising, shifting, and
 28 lowering heavy weights by means of a projecting swinging arm.

29 (2) Except as provided in subsections (3)(b), (3)(d), and (6), in addition to the regular registration
 30 and gross vehicle weight fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit

1 issued for size and weight in excess of that specified in 61-10-101 through 61-10-104 and 61-10-106
2 through 61-10-110 must be paid for all movements under special permits on the public highways under the
3 jurisdiction of the department of transportation.

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

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

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

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

1 (4) Except as provided in subsection (3)(b), a permit may not be issued for a period of time greater
2 than the period for which the GVW license is valid as provided in this title, including grace periods allowed
3 by this title. Owners of vehicles licensed in other jurisdictions may, at the discretion of the department of
4 transportation, purchase permits to expire with their registration. A license required by the state governs
5 the issuance of a special permit.

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

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

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

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

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

22 (d) an individual cargo unit of the combination may not exceed 28½ feet in length and 102 inches
23 in width;

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

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

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

30 (h) the department may enforce any other restrictions determined by the department to be

1 necessary. The permit is not transferable, and the fee for the permit is \$200.

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

4 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than
5 95 feet; and

6 (b) the person, firm, or corporation applying for the permit:

7 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore,
8 chlorite, dolomite, limestone, and custom combine equipment;

9 (ii) operated the truck-trailer-trailer combination before July 1, 1987;

10 (iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that
11 those vehicles used before July 1, 1987; and

12 (iv) provides the department of transportation with an affidavit confirming the routes used before
13 July 1, 1987, for truck-trailer-trailer operations."

14

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

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

19

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

21 "61-10-128. **When authorities may restrict right to use roadway.** (1) A local authority may not
22 alter the limitations provided in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 or
23 substitute other limitations or requirements, except as provided in this section.

24 (2) The department of transportation by order, or a local road authority by ordinance or resolution,
25 may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a
26 public highway under its respective jurisdiction and for which it is responsible for maintenance whenever
27 the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic
28 conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and
29 speed are reduced. The department of transportation or the authority that enacts the ordinance or
30 resolution shall erect signs designating the department's order or the authority's ordinance or resolution at

1 each end of that portion of the highway affected, and the order, ~~or~~ ordinance, or resolution is not effective
 2 until the signs are erected. The department of transportation, or the authority by ordinance or resolution,
 3 may prohibit the operation of trucks or other commercial vehicles or impose limitations on their weight on
 4 designated highways, subject to the provisions of subsection (3). These prohibitions and limitations must
 5 be designated by appropriate signs placed on the highways.

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

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

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

12 (c) the driver possesses a federal-state inspection certificate issued for the load.

13 (4) A permit referred to in subsection (3) may be revoked for violating any condition of the permit."
 14

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

16 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**
 17 **enforcement of motor carrier safety standards -- duty to obtain bills of lading for agricultural seeds.** (1)
 18 A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh
 19 any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except
 20 recreational vehicles as defined in 61-1-132, ~~either~~ by means of either portable or stationary scales, and
 21 may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person
 22 may then require the driver to unload at a designated facility that portion of the load necessary to decrease
 23 the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through
 24 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an
 25 excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of
 26 the excess weight load to proceed to a designated facility where the load can be safely reduced to legal
 27 limits.

28 (2) Commodities and material unloaded as required by this section must be cared for by the owner
 29 or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as
 30 required by this section may not be left on the highway right-of-way.

1 (3) The department of transportation may establish, maintain, and operate weigh stations, either
 2 intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup
 3 trucks under 14,000 pounds ~~G.V.W.~~ GVW and recreational vehicles as defined in 61-1-132 (that are not
 4 new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer),
 5 to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their
 6 operation and safety requirements. The department may require vehicles over 10,000 pounds to be
 7 inspected and weighed by portable scale crews.

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

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

16 (a) issue citations and make arrests in connection with violations of safety standards adopted under
 17 44-1-1005;

18 (b) issue summons;

19 (c) accept bail;

20 (d) serve warrants for arrest;

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

22 (f) make reasonable safety inspections of commercial motor vehicles ~~utilized~~ used by motor carriers;

23 and

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

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

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

30 (b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery

1 for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in
2 Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of
3 lading was obtained."

4

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

6 **"61-10-144. Violation of standards -- tolerance.** (1) It is a misdemeanor for a person, firm, or
7 corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

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

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

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

25 (3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(4)
26 may move over a highway, except any highway that is part of the federal-aid interstate system, within a
27 50-mile radius of the harvested field to the point of first unloading without incurring the excess weight
28 penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not
29 exceed allowable weight limitations by more than 20% per axle, but the maximum load per inch of tire
30 width may not exceed 670 pounds. The vehicle or combination of vehicles may not exceed 40 miles per

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

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

6 **"61-10-145. Penalties.** (1) A person, firm, or corporation convicted of violating 61-10-101
7 through 61-10-104 and 61-10-106 through 61-10-110 shall be punished by a fine of not less than \$30 or
8 more than \$100. A person, firm, or corporation convicted of operating a motor vehicle upon the public
9 highways of this state with weight upon a wheel, axle, or group of axles greater than the maximum
10 permitted by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 shall be fined, in addition
11 to other penalties provided by law for the offense, the following amounts:

- 12 (a) \$30 for any excess weight up to and including 2,000 pounds;
13 (b) \$75 for any excess weight more than 2,000 pounds and less than 4,001 pounds;
14 (c) \$125 for any excess weight more than 4,000 pounds and less than 6,001 pounds;
15 (d) \$175 for any excess weight more than 6,000 pounds and less than 8,001 pounds;
16 (e) \$250 for any excess weight more than 8,000 pounds and less than 10,001 pounds;
17 (f) \$275 for any excess weight more than 10,000 pounds and less than 12,001 pounds;
18 (g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;
19 (h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;
20 (i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;
21 (j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;
22 (k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;
23 (l) \$2,000 for any excess weight more than 25,000 pounds.

24 (2) If a motor vehicle is equipped with a retractable axle that is not fully extended and carrying its
25 proportionate share of the load while the motor vehicle is operated upon the highways of this state, the
26 weight penalties in subsection (1) apply to all weight over the legal maximum allowed by the fixed axles
27 regardless of whether the axle is extended at the time of weighing. In addition to the penalties in subsection
28 (1), the owner or operator shall be fined \$100 for failure to have the retractable axle fully extended while
29 the gross weight of the vehicle exceeds the legal maximum allowed by the fixed axles.

30 (3) A complaint filed and a summons or notice to appear issued pertaining to a violation of the

1 gross weight regulations in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must specify
 2 the amount of the excess weight that the defendant is alleged to have had upon the vehicle or combination
 3 of vehicles.

4 (4) The penalties in subsection (1) do not apply to an operator who fails to secure a special permit
 5 as provided for in 61-10-107(3) if the vehicle or combination of vehicles is not overweight with that permit.
 6 The failure to obtain the special permit is punishable under 61-10-146 and under this section as provided
 7 in 61-10-146, and the operator is required to purchase the permit. If the vehicle or combination of vehicles
 8 exceeds the weight limitations allowed by special permit and the operator fails to obtain a permit under
 9 61-10-107(3), the penalties of subsection (1) apply to the weight exceeding 80,000 pounds.

10 (5) It is a misdemeanor, punishable as provided in 46-18-212, for a person, firm, or corporation
 11 to violate any of the provisions of 61-10-123, 61-10-141, or 61-10-142."
 12

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

14 **"61-10-201. Gross weight fees on motortrucks, truck tractors, and buses.** In addition to other fees
 15 for the licensing of vehicles and except as provided in 61-10-203, there must be paid and collected annually
 16 for each truck, truck tractor, and bus, based upon the maximum gross loaded weight and the maximum
 17 gross weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's
 18 application, the following fees:

19 **Schedule I**

20 Up to 6,000 lbs.	\$ 7.50
21 6,001 through 8,000 lbs.	9.50
22 8,001 through 10,000 lbs.	13.25
23 10,001 through 12,000 lbs.	15.00
24 12,001 through 14,000 lbs.	17.00
25 14,001 through 16,000 lbs.	21.00
26 16,001 through 18,000 lbs.	28.00
27 18,001 through 20,000 lbs.	37.50
28 20,001 through 22,000 lbs.	47.00
29 22,001 through 24,000 lbs.	70.00
30 24,001 through 26,000 lbs.	90.00

1	26,001 through 28,000 lbs.	110.00
2	28,001 through 30,000 lbs.	130.00
3	30,001 through 32,000 lbs.	150.00
4	32,001 through 34,000 lbs.	170.00
5	34,001 through 36,000 lbs.	190.00
6	36,001 through 38,000 lbs.	215.00
7	38,001 through 40,000 lbs.	235.00
8	40,001 through 42,000 lbs.	255.00
9	42,001 through 44,000 lbs.	275.00
10	44,001 through 46,000 lbs.	300.00
11	46,001 through 48,000 lbs.	320.00
12	48,001 through 50,000 lbs.	340.00
13	50,001 through 52,000 lbs.	360.00
14	52,001 through 54,000 lbs.	380.00
15	54,001 through 56,000 lbs.	400.00
16	56,001 through 58,000 lbs.	420.00
17	58,001 through 60,000 lbs.	440.00
18	60,001 through 62,000 lbs.	460.00
19	62,001 through 64,000 lbs.	482.50
20	64,001 through 66,000 lbs.	502.50
21	66,001 through 68,000 lbs.	522.50
22	68,001 through 70,000 lbs.	545.75
23	70,001 through 72,000 lbs.	566.50
24	72,001 through 74,000 lbs.	607.50
25	74,001 through 76,000 lbs.	655.00
26	76,001 through 78,000 lbs.	695.00
27	78,001 through 80,000 lbs.	750.00
28	Over 80,000 lbs. and within the weight limits	
29	specified in 61-10-101 through <u>61-10-104 and 61-10-106 through 61-10-110</u>	750.00
30		plus an additional 46.00

1 for each ton or fraction of a ton in excess of 80,000 lbs."
2

3 NEW SECTION. **Section 14. Repealer.** Section 61-10-105, MCA, is repealed.
4

5 NEW SECTION. **Section 15. Date of compliance.** All equipment existing on or after [the effective
6 date of this act] must comply with the provision of 61-10-107(2) by January 1, 1996.
7

8 NEW SECTION. **Section 16. Effective date.** [This act] is effective on passage and approval.
9

-END-