

SENATE BILL NO. 294

INTRODUCED BY ~~Mark M. Anderson, Travis G. Toliver, Rose J. Jorgensen,~~
~~Ken Anderson, Joe Genoe, Hettel, Snyggood, Beck~~
 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A FERTILIZER SPREADER TRUCK OR TRAILER AS
 SPECIAL MOBILE EQUIPMENT FOR CERTAIN PURPOSES; EXEMPTING FERTILIZER SPREADER TRUCKS
 AND TRAILERS FROM CERTAIN GVW FEES; AMENDING SECTIONS 61-1-104 AND 61-10-206, MCA; AND
 PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 61-1-104, MCA, is amended to read:

"61-1-104. **Special mobile equipment.** (1) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, ~~trailers used to apply fertilizer in the field,~~ and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this section is partial and does not exclude other vehicles that are within the general terms of this section.

(2) For purposes of Title 61, chapter 3, and Title 61, chapter 10, part 2, a motor vehicle or a trailer designed and used to apply fertilizer to agricultural land must be treated as special mobile equipment."

Section 2. Section 61-10-206, MCA, is amended to read:

"61-10-206. **Special fees -- certain farm vehicles.** (1) Except for motortrucks owned and operated by cooperative associations or cooperative marketing associations, there must be paid and collected annually a fee equal to 35% of the fees provided in Schedule I and Schedule II on:

- (a) motortrucks owned and operated by ranchers or farmers in the transportation of their own ranch, farm, orchard, or dairy products from point of production to market, or of supplies, commodities, or equipment to be used on the ranch, farm, orchard, or dairy, or in the infrequent or seasonal transportation by one farmer for another for any purpose other than commercial hire of products of the farm, orchard, or dairy, or of supplies or commodities to be used on the farm, orchard, or dairy; and
- (b) one truck tractor and lowboy trailer used by contractors engaged exclusively in soil

1 conservation work and land leveling activities that result in direct benefit to agriculture; and

2 ~~(c) fertilizer spreader trucks and spreader trailers used exclusively to transport and apply fertilizer~~
3 ~~to agricultural fields and plots.~~

4 ~~(2) The applicant under the fertilizer exception for special fees under subsection (1)(c) shall show,~~
5 ~~when the fee is paid as provided in 61-10-222, a valid fertilizer dealer license issued by the department of~~
6 ~~agriculture as provided in 80-10-202.~~

7 ~~(3)(2) The minimum fee is \$6."~~

8

9 NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 1996.

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0294, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act defining a fertilizer spreader truck or trailer as special mobile equipment for certain purposes; exempting fertilizer spreader trucks and trailers from certain GVW fees.

ASSUMPTIONS:

1. Revenues from the 110 fertilizer spreader trucks licensed statewide equals 35% of the gross weight fees in Schedule I, 61-10-201 MCA.
2. Maximum gross vehicle weight is 28,000 pounds and 35% of the annual fee for gross weight of 28,000 pounds is \$38.50.
3. If the fees for all 110 trucks were collected by the county treasurers, 5% would be deposited in the county general funds and 95% would be deposited in the state special revenue fund.

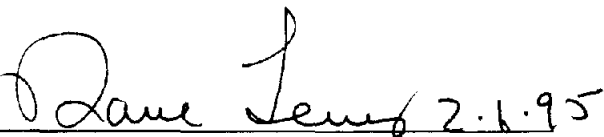
FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Highway Special Revenue (02)	(\$4,023)	(\$4,023)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Loss of \$212 per fiscal year to the county general funds.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


ARNIE MOHL, PRIMARY SPONSOR DATE

Fiscal Note for SB0294, as introduced

SB294

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Walt Johnson, Trent Holvin, Rose Jorgeson, Jennifer Anderson, Jore Genoe, Detel Snuggood, Beck

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INTRODUCED BY MOHL, M. HANSON, TVEIT, GALVIN, ROSE, JERGESON, JENKINS, ANDERSON,
 JORE, GRINDE, HERTEL, SWYSGOOD, BECK, HARP

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