

*** BILL NO. ***

INTRODUCED BY ***

BY REQUEST OF THE ***

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING FEES FOR OVERWEIGHT VEHICLES AND OVER LENGTH VEHICLES; AMENDING SECTIONS 61-10-104, 61-10-107, 61-10-109, 61-10-121, 61-10-125, 61-10-130, 61-10-141, 61-10-144, 61-10-145, 61-10-146, 61-10-148, 61-10-201, 61-10-211, 61-10-226, AND 61-10-232, MCA."

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

Section 1. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length -- definitions. (1) A single truck, bus, or self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 55 feet.

(2) (a) When used in a truck tractor-semitrailer combination, the semitrailer may not exceed 53 feet in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. When used in a truck tractor-semitrailer-trailer or a truck tractor-semitrailer-semi-trailer combination, the semitrailer and trailer or the two semitrailers may not exceed ^{28 1/2} 28 1/2 feet each in length or 61 feet in combined trailer length, excluding those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semitrailer, truck tractor-semitrailer-trailer, and truck tractor-semitrailer-semi-trailer combinations are not subject to a combination length limit.

(b) (i) A stinger-steered boat transporter may not exceed 80 feet in length plus a maximum 4 feet of front overhang and 6 feet of rear overhang, except as provided by 61-10-124.

(ii) A stinger-steered automobile transporter may not exceed 80 feet in length plus a maximum 4 feet of front overhang and 6 feet of rear overhang, except as provided by 61-10-124.

(c) All other combinations of vehicles may not have a combination length in excess of 75 feet, except as provided by 61-10-124. If the combination consists of more than two units, the rear units of the combination must be equipped with breakaway brakes.

(3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw more than three motor vehicles attached to it by the triple saddle-mount method (that is, by mounting the front wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway), and this combination may not have a combination length in excess of 75 feet.

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturer's rated capacity" may not tow more than one trailer or semitrailer, and this combination may not have a length in excess of 65 feet.

(5) (a) The length of a vehicle combination consisting of a truck or truck tractor and one pole trailer or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (5)(a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(2), does not apply to the vehicle combination described in this subsection (5)(a). A vehicle combination exceeding 75 feet must have a trip permit.

(b) The maximum overhang of any log may not exceed 15 feet, except by special, single-trip permit. Overhang is measured from the center of the rear-most axle to the most distant end of the logs being hauled.

(c) The provisions in subsections (5)(a) and (5)(b) do not apply to a vehicle combination hauling utility poles.

(6) As used in this chapter, the following definitions apply:

(a) "Axle" means a transverse beam that is the common axis of rotation of one or more wheels and that, to receive credit for allowable total gross loading, must be capable of continuously transmitting a proportionate share of the total gross load to the roadway when the axle is in operation.

(b) "Combination length" means the total length of a combination of vehicles, such as a truck tractor-semitrailer-trailer combination, measured from the front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer, including the connection tongues.

(c) "Combined trailer length" means the total length of a combination of trailers measured from the front of the first trailer, or the front bunk on a pole trailer, to the back of the last trailer, including the connection tongues and rear overhang.

(d) "Length", except as provided in subsection (5)(a), means the total longitudinal dimension of a

single vehicle, a trailer, or a semitrailer. The length of a trailer or semitrailer is measured from the front of the cargo-carrying unit to its rear, exclusive of safety or energy efficiency devices, air-conditioning units, air compressors, flexible fender extensions, splash and spray suppressant devices, bolsters, mechanical fastening devices, and hydraulic lift gates.

(e) "Rocky Mountain double" means a combination of vehicles that includes a truck tractor pulling a long semitrailer and a shorter trailer.

(f) "Steering axle" means an axle that pivots at the hub to allow the wheel to follow the travel of the vehicle. A steering axle is capable of being steered but need not always be connected to a steering wheel.

(g) "Stinger-steered automobile transporter" means a truck tractor-semitrailer combination that has a fifth wheel on a drop frame located behind and below the rear axle of the truck tractor and that is designed and used for the transportation of vehicles.

(h) "Stinger-steered boat transporter" means a truck tractor-semitrailer combination that has a fifth wheel on a drop frame located behind and below the rear axle of the truck tractor and that is designed and used for the transportation of assembled boats or boat hulls."

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

"61-10-107. (Temporary) Maximum gross weight. (1) (a) 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 to be a single axle. Except as provided in subsection (1)(b), 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 wheelbase in feet, and N equals number of axles, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more. The maximum gross weight allowed on a vehicle may not exceed the weight limits adopted by the department. The department shall

adopt rules for weight limits based upon the most recent version of 23 CFR, part 658, appendix c, for vehicles operating in Montana.

(b) A vehicle traveling on U.S. highway 93 from the border between Canada and the United States to 10 miles south of the border or on Montana highway 16 from the border between Canada and the United States to 20 miles south of the border is subject to the specific maximum allowable gross weight limit provided in rules adopted by the department but is not subject to maximum gross weight limits determined by the formula in subsection (1)(a).

(2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), except for the steering axle, all axles weighing over 11,000 pounds must have at least four tires or have wide-base tires. The maximum load on an axle, other than a steering axle, equipped with wide-base tires is limited to 500 pounds for each inch of tire width.

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

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

(3) This section does not apply to highways that are a part of the national system of interstate and defense highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this state from receiving federal funds for highway purposes. (Terminates on occurrence of contingency--sec. 2, Ch. 342, L. 2005.)

61-10-107. (Effective on occurrence of contingency) Maximum gross weight. (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 to be a single axle. 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 wheelbase in feet, and N equals number of axles, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more. The maximum gross weight allowed on a vehicle may not exceed the weight limits adopted by the department. The department shall adopt rules for weight limits based upon the most recent version of 23 CFR, part 658, appendix c, for vehicles operating in Montana.

(2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), except for the steering axle, all axles weighing over 11,000 pounds must have at least four tires or have wide-base tires. The maximum load on an axle, other than a steering axle, equipped with wide-base tires is limited to 500 pounds for each inch of tire width.

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

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

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

Section 3. Section 61-10-109, MCA, is amended to read:

"61-10-109. Operation without special permits prohibited. The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-108 is permitted **only if authorized by special permit** issued under 61-10-121 through 61-10-125 by the department of transportation or its agents or the highway patrol."

Section 4. Section 61-10-121, MCA, is amended to read:

"61-10-121. Permits for excess size and weight -- exempt from environmental review -- agents.

(1) (a) Upon application and with good cause shown, the department of transportation, or its agent under

subsection (4), and local authorities in their respective jurisdictions may issue a special permit authorizing the applicant to operate or move a vehicle, combination of vehicles, load, object, or other thing of a size or weight exceeding the maximum specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 upon a highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. However, only the department may issue permits for movement of a vehicle or combination of vehicles carrying built-up or reducible loads in excess of 9 feet in width or exceeding the length, height, or weight specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. This permit must be issued in the public interest. A carrier receiving this permit must have public liability and property damage insurance for the protection of the traveling public as a whole.

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

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

(Environmental policy and protection generally)

(3) Issuance of a permit pursuant to this section is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when existing roads through existing rights-of-way are used.

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

(5) This section does not authorize a local authority to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local authority."

Section 5. Section 61-10-125, MCA, is amended to read:

"61-10-125. Other fees. (1) For a single trip permit for a load that is over the gross allowable load provided for by the formula in 61-10-107(1) but that does not exceed axle limits set forth in 61-10-107(1), the department of transportation shall charge for distances traveled:

- (a) \$10 for distances up to and including 100 miles;
- (b) \$30 for distances from 101 to 199 miles; and
- (c) \$50 for distances 200 miles and over.

(2) (a) Upon application, the department of transportation or its agent under 61-10-121(4) may issue a wintertime permit or a durational permit authorizing the applicant to operate a vehicle, combination of vehicles, load, or object exceeding by up to 10% the maximum weight limits specified in 61-10-106 through 61-10-110.

(b) (i) The nonrefundable fee for a wintertime permit is \$50 for each vehicle. A wintertime permit is valid for 30 days or until March 7, whichever is earlier.

(ii) The nonrefundable fee for a durational permit is \$150 for each vehicle. A durational permit is valid for the period between December 1 and March 7.

(3) (a) The department of transportation shall charge a fee of:

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

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

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

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

(v) \$1,500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 25,000 pounds in excess axle weight, with no axle or axle group exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

(vi) \$2,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 30,000 pounds in excess axle weight, with no axle or axle group exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

(vii) \$3,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 35,000 pounds in excess axle weight, with no axle or axle group exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

(viii) \$4,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) but that does not exceed a total of 40,000 pounds in excess axle weight, with no axle or axle group exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation.

(b) The fees provided in subsection (3)(a) are annual fees but may be prorated on a quarterly basis and may be paid quarterly, semiannually, or annually. However, if the fee is paid other than annually, there is an additional fee of \$10 each time a fee is paid.

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

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

(4) The department of transportation shall charge for a permit to move a load that exceeds the single axle, tandem axle, or axle group limits set forth in 61-10-107(1) the following fee based upon the sum of excess in axle or axle group weights:

Total Excess Axle Weight	Calculated Cost of
(pounds) 		25 Miles of Travel
	(dollars) 	
5,000	3.50

10,000	7.00
15,000	10.50
20,000	14.00
25,000	17.50
30,000	21.00
35,000	24.50
40,000	28.00
45,000	31.50
50,000	35.00
55,000	38.50
60,000	42.00
65,000	45.50
70,000	49.00
75,000	52.50
80,000	56.00
85,000	59.50
90,000	63.00
95,000	66.50
100,000	70.00
over 100,000	70.00 + 3.50 per 5,000 lbs. or part of 5,000 lbs. in excess of 100,000 lbs.

- 1 (5) For purposes of subsection (4):
- 2 (a) mileage must be rounded off in units of 25 miles and mileage in excess of a 25-mile increment
- 3 must be assessed at the next higher 25-mile increment; and
- 4 (b) weight must be rounded off in 5,000-pound increments and weight in excess of a 5,000-pound
- 5 increment must be assessed at the next higher 5,000-pound increment.
- 6 (6) A vehicle must be licensed to the maximum allowable weight authorized under 61-10-107
- 7 before an overweight permit may be issued."

Section 6. Section 61-10-130, MCA, is amended to read:

"61-10-130. Custom combiner's special permit -- fee -- collection -- distribution -- not

transferable. (1) In lieu of the taxes required by 15-24-301 and in lieu of motor vehicle license fees, gross vehicle weight fees, and overweight, overlength, and overheight permits provided for in Title 61, a nonresident engaged in the business of custom combining who brings equipment into the state may pay a special permit fee of \$40 for each unit. A unit includes:

- (a) one truck suitable for hauling grain;
- (b) one header trailer or one combine trailer; and
- (c) pickup trucks and all other equipment, except combines, used by a nonresident and brought into the state as part of the nonresident's business of custom combining.

(2) In lieu of gross vehicle weight fees and overweight, overlength, and overheight permits, Montana residents engaged in the business of custom combining may pay the annual farm gross vehicle weight fees and a special permit fee of \$20 for each unit. A unit includes:

- (a) one truck suitable for hauling grain;
 - (b) one header trailer or one combine trailer; and
 - (c) pickup trucks used by the resident in the resident's business of custom combining.
- (3) When used to transport agricultural products, a truck authorized to be used under a custom combiner's special permit may be operated only within a 100-mile radius from the harvested field to the point of first unloading. The truck may not haul agricultural products from one commercial elevator to another commercial elevator. The truck may be operated on any highway, except an interstate highway, as defined in 60-1-103, without incurring excess weight penalties under 61-10-145 if the total gross weight of the truck does not exceed allowable weight limitations by more than 20% for each axle and the maximum load for each inch of tire width does not exceed 670 pounds. A trip permit is not required. If the truck exceeds the tolerance provided under this subsection, the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

(4) A combine trailer authorized to be used under subsection (1)(b) or (2)(b) may be operated under the same limitations, except that the 100-mile limitation does not apply and the combine trailer may be

used upon any highway of the state, including an interstate highway, as defined in 60-1-103. If the combine trailer exceeds the tolerance provided under subsection (3), the fine or penalty imposed applies to all weight over the legal limit allowed by 61-10-107.

(5) The fee required by this section must be collected by the department of transportation. Upon payment of the fee, the department of transportation shall provide an identifying device to be displayed on each truck, header trailer, or combine trailer and other equipment used by the nonresident or resident in the person's business of custom combining in the state. The device is valid for the calendar year in which the fee is collected.

(6) All fees collected under this section must be distributed not later than January 31 immediately following the period of licensure as follows:

62 1/2% (a) 62 1/2% to the state general fund; and

37 1/2% (b) 37 1/2% to the state special revenue fund for the department of transportation.

(7) The identifying devices and fee paid for each unit are not transferable from one vehicle to another or transferable on the sale or change of ownership.

(8) The department of transportation may adopt rules, as provided in Title 2, chapter 4, to implement the provisions of this section."

Section 7. Section 61-10-141, MCA, is amended to read:

"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --

definition. (1) (a) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except recreational vehicles, travel trailers, or motor homes, by means of either portable scales used on an engineered site or stationary scales. The peace officer, officer of the highway patrol, or employee of the department of transportation may require that the vehicle be driven to the nearest stationary scales or engineered site for use of portable scales if those stationary scales or an engineered site is within 2 miles.

(b) If it is determined in the weighing process that the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of the highway patrol, or employee of the department of transportation may then require the driver to unload at a

designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

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

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may, except for trucks exempted by department administrative rule, require all trucks and commercial motor vehicles of 26,000 pounds GVW or greater to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements. The department may require vehicles over 10,000 pounds, except those exempted by department administrative rule, to be inspected and weighed by portable scale crews when the portable scales are used on an engineered site.

(4) As used in this section, "engineered site" means:

(a) a turnout designed and constructed by the department of transportation that has indents in the pavement to level portable scales; or

(b) a site where leveling pads can be used in strict accordance with all of the manufacturer's manuals and specifications."

Section 8. Section 61-10-144, MCA, is amended to read:

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

(2) The operator of a vehicle or combination of vehicles may move over the highways to the first open stationary scale or portable scale on an engineered site, as defined in 61-10-141, without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable total gross weight limitations by more than 10% and if the weight carried by any axle

or combination of axles does not exceed the allowable axle weight limitations by more than 10%. If the vehicle or combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than 10%, the department may issue a single trip permit for the fee of \$10, allowing the vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of 10% are subject to the fines provided in 61-10-145, and all loads in excess of 10% of the total gross or axle weight limitations:

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

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

(3) Farm vehicles transporting agricultural products from a harvesting combine or other harvesting machinery may be operated on any highway, except an interstate highway, as defined in 60-1-103, within a 100-mile radius of the harvested field to the point of first unloading without incurring excess weight penalties under 61-10-145 if the total gross weight of the farm vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20% for each axle and the maximum load for each inch of tire width does not exceed 670 pounds. A single trip permit, as required in subsection (2), is not applicable to the farm vehicle or combination of vehicles. When a farm vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed applies to that portion of the load above the legal limit."

Section 9. Section 61-10-145, MCA, is amended to read:

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

(a) \$30 for any excess weight up to and including 2,000 pounds;

(b) \$75 for any excess weight more than 2,000 pounds and less than 4,001 pounds;

- (c) \$125 for any excess weight more than 4,000 pounds and less than 6,001 pounds;
- (d) \$175 for any excess weight more than 6,000 pounds and less than 8,001 pounds;
- (e) \$250 for any excess weight more than 8,000 pounds and less than 10,001 pounds;
- (f) \$275 for any excess weight more than 10,000 pounds and less than 12,001 pounds;
- (g) \$300 for any excess weight more than 12,000 pounds and less than 14,001 pounds;
- (h) \$400 for any excess weight more than 14,000 pounds and less than 16,001 pounds;
- (i) \$500 for any excess weight more than 16,000 pounds and less than 18,001 pounds;
- (j) \$600 for any excess weight more than 18,000 pounds and less than 20,001 pounds;
- (k) \$1,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;
- (l) \$2,000 for any excess weight more than 25,000 pounds.

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

(3) A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110 must specify the amount of the excess weight that the defendant is alleged to have had upon the vehicle or combination of vehicles.

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

Section 10. Section 61-10-146, MCA, is amended to read:

"61-10-146. Special permits -- misrepresentations and violations as misdemeanor. (1) A person who knowingly and willfully misrepresents the size or weight of a vehicle, combination of vehicles, load, object, or other thing in obtaining a special permit or who does not follow the requirements and conditions of the special permit or who operates a vehicle, combination of vehicles, load, object, or other thing the size or weight

of which requires a special permit without first obtaining a special permit is guilty of a misdemeanor.

(2) A person, firm, or corporation convicted of:

(a) operating a vehicle or combination of vehicles with weight upon a wheel, axle, or group of axles greater than the maximum authorized by a special permit or of operating without a special permit a vehicle or combination of vehicles the weight of which requires a special permit shall, in addition to the other penalties provided by law for the offense, be punished by a fine in the amount provided in 61-10-145(1); or

(b) violating any provision of 61-10-124(3) or any restriction on the special permits issued by the department under 61-10-124(3) shall be punished by a fine of not less than \$500 or more than \$1,000, and all special permits issued for the operation of the combination in violation must be confiscated. The combination must be separated into combinations of legal length before the units may proceed."

Section 11. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds. (1) Except as provided in 61-12-701 and subsection (2) of this section, all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the state, as provided in 15-1-504, for deposit in the state general fund. This subsection does not apply to fines and forfeited bonds paid to justices' courts.

(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a road or highway not included under the provisions of 60-2-128 and 60-2-203, all money collected as fines and forfeited bonds must be deposited in the state general fund."

Section 12. Section 61-10-201, MCA, is amended to read:

"61-10-201. Weight fees on motortrucks, truck tractors, and buses. In addition to other fees for the licensing of vehicles, there must be paid and collected annually for each truck, truck tractor, and bus, based upon the manufacturer's rated capacity for trucks with a capacity of 1 ton or less and upon the maximum gross loaded weight and the maximum gross weight of any towed unit of each truck and truck tractor as set by the licensee in the licensee's application, the following fees:

Manufacturer's rated capacity up to 1/2 ton

\$ 7.00

Manufacturer's rated capacity of 3/4 ton	12.50
Manufacturer's rated capacity of 1 ton	17.50
Up to 16,000 lbs	21.00
16,001 through 18,000 lbs	28.00
18,001 through 20,000 lbs	37.50
20,001 through 22,000 lbs	47.00
22,001 through 24,000 lbs	70.00
24,001 through 26,000 lbs	90.00
26,001 through 28,000 lbs	110.00
28,001 through 30,000 lbs	130.00
30,001 through 32,000 lbs	150.00
32,001 through 34,000 lbs	170.00
34,001 through 36,000 lbs	190.00
36,001 through 38,000 lbs	215.00
38,001 through 40,000 lbs	235.00
40,001 through 42,000 lbs	255.00
42,001 through 44,000 lbs	275.00
44,001 through 46,000 lbs	300.00
46,001 through 48,000 lbs	320.00
48,001 through 50,000 lbs	340.00
50,001 through 52,000 lbs	360.00
52,001 through 54,000 lbs	380.00
54,001 through 56,000 lbs	400.00
56,001 through 58,000 lbs	420.00
58,001 through 60,000 lbs	440.00
60,001 through 62,000 lbs	460.00
62,001 through 64,000 lbs	482.50

64,001 through 66,000 lbs	502.50
66,001 through 68,000 lbs	522.50
68,001 through 70,000 lbs	545.75
70,001 through 72,000 lbs	566.50
72,001 through 74,000 lbs	607.50
74,001 through 76,000 lbs	655.00
76,001 through 78,000 lbs	695.00
78,001 through 80,000 lbs	750.00
Over 80,000 lbs. and within the weight limits specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110	750.00

plus an additional \$46.00 for each ton or
fraction of a ton in excess of 80,000 lbs.
plus an additional \$100.00 to exceed the
80,000 lbs. federal gross weight limit.

"

Section 13. Section 61-10-211, MCA, is amended to read:

"61-10-211. Fees on motortrucks, truck tractors, trailers, and semitrailers from other states. (1)

In lieu of other fees for the licensing of vehicles, there must be collected a fee for each motortruck and truck tractor already licensed for the year in another jurisdiction and operated upon an itinerant basis in this state.

The fee provided in subsection (2) must be collected upon each entrance of the vehicle into the state and must be based upon the number of miles to be traveled in the state and the registered gross vehicle weight of the motortruck or truck tractor as shown in the application of the nonresident operator.

(2) The fee for each trip in Montana is:

	0-200 miles	201-400 miles	over 400 miles
Up to 46,000 lbs.	\$10	\$15	\$20

46,001 through 80,000 lbs.	20	30	40
Over 80,001 lbs.	50	65	80
Triple combination	60	80	100

(3) The fees do not apply to any trailer the principal use of which is as temporary or permanent living quarters, or to any vehicle of a carnival that is under contract with a state, county, or district fair association.

(4) A fee must be collected for each nonresident, unlicensed or unregistered trailer or semitrailer entering Montana. The fee for each trip in Montana is:

- (a) \$10 for each trip of 200 miles or less;
- (b) \$15 for each trip of over 200 miles to 400 miles; and
- (c) \$20 for each trip of over 400 miles."

Section 14. Section 61-10-226, MCA, is amended to read:

"61-10-226. Deposit of state highway money. (1) Money received for the use of the department of transportation from the receipt or transfer of GVW license fees, as provided by law, or from other state sources must be deposited in the highway restricted account provided for in 15-70-126 to the credit of the department.

(2) Money received from the federal government or other agencies must be deposited in a federal or state special revenue fund to the credit of the department.

(3) Money collected for the department as authorized by law must be credited to the appropriate fund by the state treasurer.

(4) Money received from the counties must be deposited in the appropriate account in the state special revenue fund to the credit of the department."

Section 15. Section 61-10-232, MCA, is amended to read:

"61-10-232. Violation -- penalty. Any owner or operator of a motortruck, truck tractor, trailer, semitrailer, bus, or automobile who violates any provision of this part is guilty of a misdemeanor and shall be punished by a fine of not more than \$300 or by a sentence of not more than 60 days in the county jail or both."

1

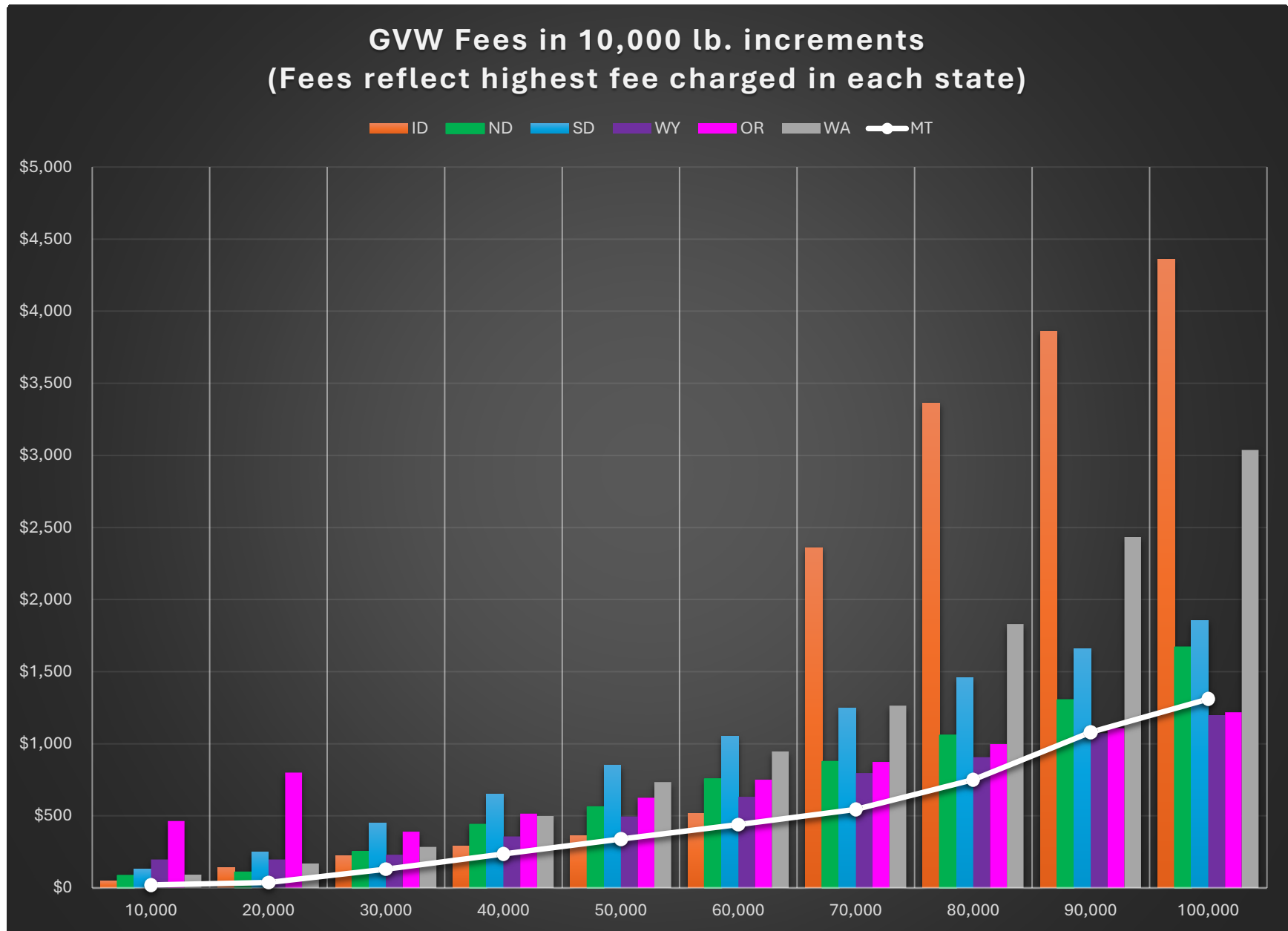
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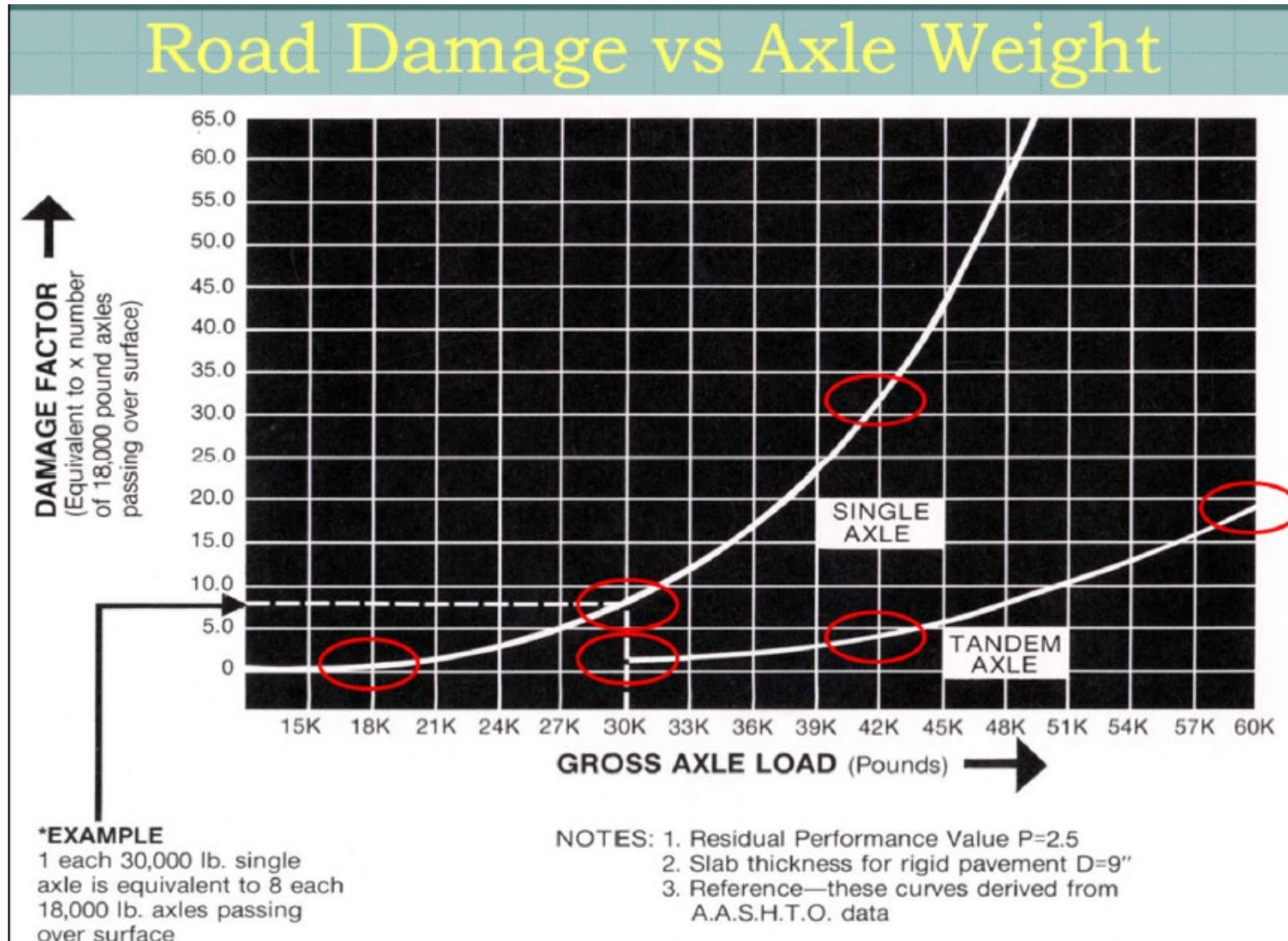
GVW Comparison – Montana to Regional States

GVW Fee at 10,000 lb. increments (highest fee charge is shown in each state)							
Lbs	MT	ID	ND	SD	WY	OR	WA
10,000	\$21.00	\$48.00	\$86.00	\$130.00	\$197.00	\$464.00	\$93.00
20,000	\$37.50	\$143.40	\$109.00	\$250.00	\$197.00	\$801.00	\$169.00
30,000	\$130.00	\$223.80	\$252.00	\$450.00	\$231.00	\$391.00	\$285.00
40,000	\$235.00	\$291.60	\$440.00	\$650.00	\$357.50	\$515.00	\$499.00
50,000	\$340.00	\$360.00	\$562.00	\$850.00	\$495.00	\$625.00	\$735.00
60,000	\$440.00	\$515.40	\$755.00	\$1,050.00	\$632.50	\$750.00	\$947.00
70,000	\$545.75	\$2,360.00	\$876.00	\$1,250.00	\$797.50	\$874.00	\$1,265.00
80,000	\$750.00	\$3,360.00	\$1,059.00	\$1,457.00	\$907.50	\$998.00	\$1,830.00
90,000	\$1,080.00	\$3,860.00	\$1,304.00	\$1,657.00	\$1,073.75	\$1,108.00	\$2,434.00
100,000	\$1,310.00	\$4,360.00	\$1,670.00	\$1,857.00	\$1,198.75	\$1,218.00	\$3,037.00

GVW Comparison – Montana to Regional States



GVW Comparison – Montana to Regional States

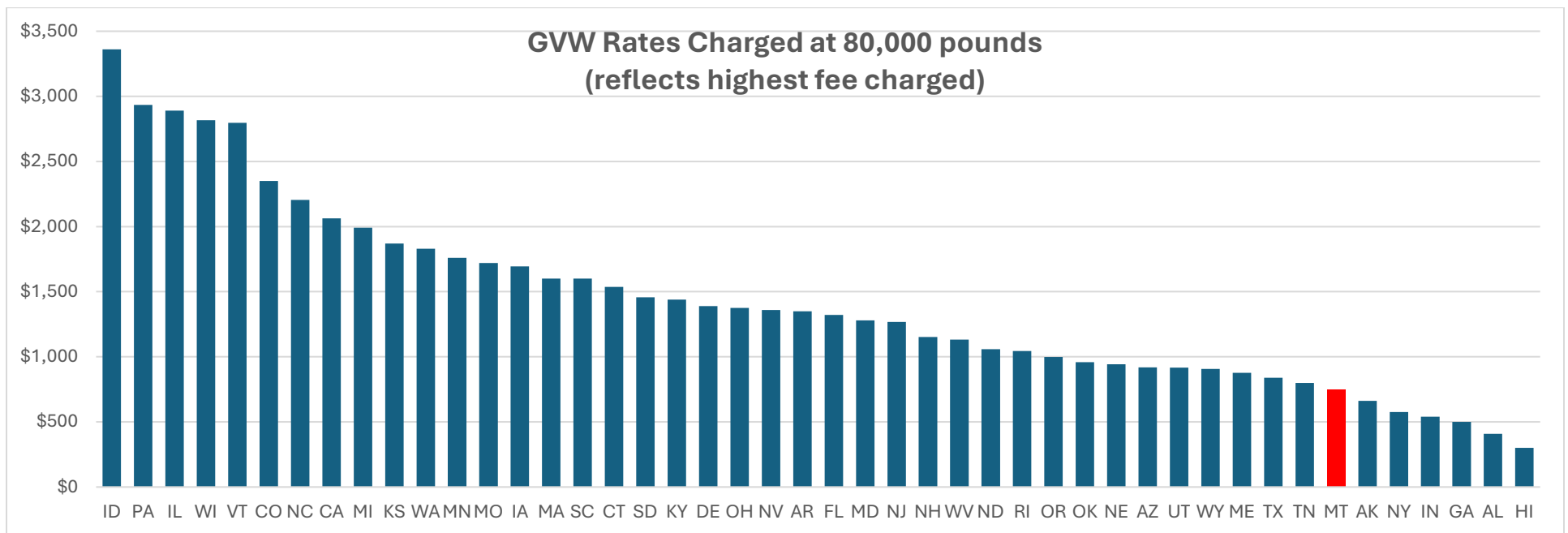
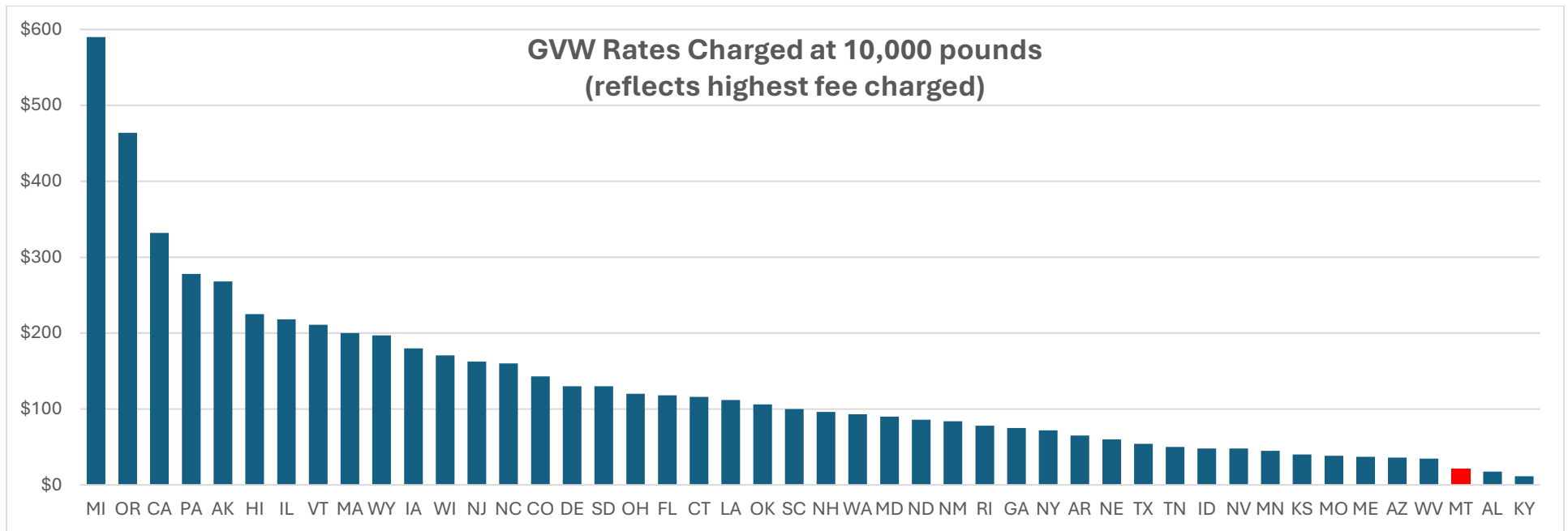


GVW Fee Changes of Surrounding States

Compiled by the MDT in response to questions from the TIC meeting on January 23, 2026

	Last Year Changed	Notes
Montana	1995	
Idaho	2001	Weight classes remain the same but total miles driven increased from 3 to 5 classes and increased fees.
North Dakota	2009	Fee schedule increased \$3.00 per weight class.
South Dakota	1977, 1982	1977 - repealed entire old schedule and created new schedule with new fee amounts 1982 - added \$7 additional fee for GVWs in excess of 78,000 lbs.
Wyoming	2017	Fees all raised by 10%
Oregon	2022	Bill was passed in 2026 to increase fees but has not been implemented yet
Washington	2015, 2026	2015 - increased fees for 4,000-10,000 lbs. 2026 - increased fees for 6,000-52,000 lbs. effective 1/1/2026

	Number of Times Fees Changed	Years Changed (plus notes)
Montana	2	1993, 1995
Idaho	4	1992, 1993, 2000, 2001
North Dakota	2	1981, 2009
South Dakota	10 (0 since 1982)	1947, 1957, 1961, 1966, 1967, 1968, 1974, 1975, 1977, 1982
Wyoming	1	2017 (an amendment supposedly in 1998 but unable to verify if amendment was to fee amounts or law language)
Oregon	2	2022, 2026 (unable to find GVW fee info pre-2018, and 2026 new fees have not be implemented yet)
Washington	3 (since 2010)	2010, 2015, 2026 (unable to find GVW fee info pre-2010)



Note: GVW fee and vehicles subject to fees are not uniform across states. These graphs reflect the highest fees charged at the selected weight. **MT is highlighted in red.** Most states allow counties to charge GVW fees in addition to state-charged GVW fees.

Compiled by the Montana Department of Transportation (MDT) for the Transportation Interim Committee (TIC) as follow-up to questions asked at the TIC meeting on March 13, 2026

This document displays graphs of the highest charged GVW rate - at 10,000 lbs. or 80,000 lbs., respectively - in all 50 states.

Please note:

- There were 4 states in the 10,000 lbs. as well as the 80,000 lbs. category for which no information on GVW fees could be found, so those states are not shown.
- MDT found that most states allow counties to impose their own GVW fees, but the graphs in this document only reflect the state-mandated GVW fees.
- GVW fees and the types of vehicles subjected to those fees are not uniform across all 50 states.