

1 **** BILL NO. ****

2 INTRODUCED BY ****

3 BY REQUEST OF THE ****

Working draft for discussion at
TIC meeting 7/8/2026

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A REBUTTABLE PRESUMPTION THAT THE
6 STATE SCALES USED FOR WEIGHING COMMERCIAL VEHICLES ARE CALIBRATED CORRECTLY; AND
7 AMENDING SECTION 61-10-141, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 61-10-141, MCA, is amended to read:

12 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**

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

19 (b) If it is determined in the weighing process that the maximum allowable weights specified in 61-
20 10-101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of
21 the highway patrol, or employee of the department of transportation may then require the driver to unload at a
22 designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the
23 maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the
24 excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-
25 10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the
26 load can be safely reduced to legal limits.

27 (2) Commodities and material unloaded as required by this section must be cared for by the owner
28 or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by

1 this section may not be left on the highway right-of-way. Remove "maintain" and "either intermittently..." from this
"may" section as it will no longer be optional.

2 (3) The department of transportation may establish, ~~maintain~~, and operate weigh stations, ~~either~~

3 ~~intermittently or on a continuous schedule~~, and may, except for trucks exempted by department administrative

4 rule, require all trucks and commercial motor vehicles of 26,000 pounds GVW or greater to enter for the

5 purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety

6 requirements. The department may require vehicles over 10,000 pounds, except those exempted by

7 department administrative rule, to be inspected and weighed by portable scale crews when the portable scales

8 are used on an engineered site. Does the frequency (EG, every 31 days in accordance w/ manufacturer warranty)
need to be specified in statute? Could it be left for administrative rule?

9 (4) (a) Stationary weigh station scales and portable scales owned by the department must be

10 maintained and calibrated [frequency?] in accordance with manufacturer warranties.

11 (b) The department shall maintain and provide, upon request, regular records of inspection and

12 calibration of all stationary weigh station scales and portable scales owned by the department.

13 (5) There is a rebuttable presumption that stationary weigh station scales and portable scales

14 owned and operated by the state are calibrated correctly pursuant to subsection (4). The provisions of

15 subsection (4) do not limit the introduction of any other competent evidence bearing on the issue of whether the

16 vehicle weight was over the allowable threshold.

17 (6) Absolute liability, as provided in 45-2-104, is imposed for a violation of this section.

Language copied directly from 61-8-1002, MCA

18 (4)(7) As used in this section, the following definitions apply:

19 (a) "engineered Engineered site" means:

20 (a)(i) a turnout designed and constructed by the department of transportation that has indents in the

21 pavement to level portable scales; or

22 (b)(ii) a site where leveling pads can be used in strict accordance with all of the manufacturer's

23 manuals and specifications.

Language copied directly from 70-24-431, MCA

24 (b) "Rebuttable presumption" means that the trier of fact is required to find the existence of the fact

25 presumed unless and until evidence is introduced that would support a finding of its nonexistence."

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