**** BILL NO. ****

Working draft for review at TIC meeting Sept 11, 2026

INTRODUCED BY ****

BY REQUEST OF THE ****

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

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

Section 1. 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) (a) Stationary weigh station scales and portable scales owned by the department must be maintained and calibrated in accordance with manufacturer warranties.

(b) The department shall maintain and provide, upon request, regular records of inspection and calibration of all stationary weigh station scales and portable scales owned by the department.

(5) There is a rebuttable presumption that stationary weigh station scales and portable scales owned and operated by the state are calibrated correctly pursuant to subsection (4). The provisions of subsection (4) do not limit the introduction of any other competent evidence bearing on the issue of whether the vehicle weight was over the allowable threshold.

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

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

(a) "~~engineered~~ Engineered site" means:

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

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

(b) "Rebuttable presumption" means that the trier of fact is required to find the existence of the fact presumed unless and until evidence is introduced that would support a finding of its nonexistence."

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