**** 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 GENERALLY REVISING FEES FOR OVERWEIGHT VEHICLES; AND AMENDING SECTIONS 61-10-107, 61-10-125, 61-10-130, 61-10-144, 61-10-145, 61-10-146, 61-10-201, 61-10-211, AND 61-10-232, MCA; AMENDING SECTIONS 61-10-125, 61-10-130, 61-10-144, 61-10-145, 61-10-146, 61-10-201, 61-10-211, AND 61-10-232, MCA."

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

Section 1. 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~~ $20 for distances up to and including 100 miles;

(b) ~~$30~~ $60 for distances from 101 to 199 miles; and

(c) ~~$50~~ $100 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~~ $100 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~~ $300 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~~ $400 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~~ $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 10,000 pounds in excess axle weight, with no single axle exceeding 5,000 pounds in excess axle weight;

(iii) ~~$750~~ $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 15,000 pounds in excess axle weight, with no single axle exceeding 5,000 pounds in excess axle weight;

(iv) ~~$1,000~~ $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 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~~ $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 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~~ $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 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~~ $6,000 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~~ $8,000 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~~ $20 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 (pounds);	Calculated Cost of 25 Miles of Travel (dollars);
5,000	7.00 ~~3.50~~
10,000	14.00 ~~7.00~~
15,000	21.00 ~~10.50~~
20,000	28.00 ~~14.00~~
25,000	35.00 ~~17.50~~
30,000	42.00 ~~21.00~~
35,000	49.00 ~~24.50~~
40,000	56.00 ~~28.00~~
45,000	63.00 ~~31.50~~
50,000	70.00 ~~35.00~~
55,000	77.00 ~~38.50~~
60,000	84.00 ~~42.00~~
65,000	91.00 ~~45.50~~
70,000	98.00 ~~49.00~~
75,000	105.00 ~~52.50~~
80,000	112.00 ~~56.00~~
85,000	119.00 ~~59.50~~
90,000	126.00 ~~63.00~~
95,000	133.00 ~~66.50~~

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100,000	140.00 ~~70.00~~
over 100,000	~~70.00~~ 140.00 + ~~3.50~~ 7.00 per 5,000 lbs. or part of 5,000 lbs. in excess of 100,000 lbs.

(5) For purposes of subsection (4):

(a) mileage must be rounded off in units of 25 miles and mileage in excess of a 25-mile increment must be assessed at the next higher 25-mile increment; and

(b) weight must be rounded off in 5,000-pound increments and weight in excess of a 5,000-pound increment must be assessed at the next higher 5,000-pound increment.

(6) A vehicle must be licensed to the maximum allowable weight authorized under 61-10-107 before an overweight permit may be issued."

Section 2. 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 overwidth, 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~~ $80 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 overwidth, 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~~ $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 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:

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

(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 3. 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,~~ $20, 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 4. 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~~ $60 or more than

~~$100~~ $200. 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~~ $60 for any excess weight up to and including 2,000 pounds;

(b) ~~$75~~ $150 for any excess weight more than 2,000 pounds and less than 4,001 pounds;

(c) ~~$125~~ $250 for any excess weight more than 4,000 pounds and less than 6,001 pounds;

(d) ~~$175~~ $350 for any excess weight more than 6,000 pounds and less than 8,001 pounds;

(e) ~~$250~~ $500 for any excess weight more than 8,000 pounds and less than 10,001 pounds;

(f) ~~$275~~ $550 for any excess weight more than 10,000 pounds and less than 12,001 pounds;

(g) ~~$300~~ $600 for any excess weight more than 12,000 pounds and less than 14,001 pounds;

(h) ~~$400~~ $800 for any excess weight more than 14,000 pounds and less than 16,001 pounds;

(i) ~~$500~~ $1,000 for any excess weight more than 16,000 pounds and less than 18,001 pounds;

(j) ~~$600~~ $1,200 for any excess weight more than 18,000 pounds and less than 20,001 pounds;

(k) ~~$1,000~~ $2,000 for any excess weight more than 20,000 pounds and less than 25,001 pounds;

(l) ~~$2,000~~ $4,000 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~~ $200 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."

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Section 5. 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~~ $1,000 or more than ~~$1,000~~ $2,000, 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 6. 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	$ 14.00 ~~7.00~~
Manufacturer's rated capacity of 3/4 ton	25.00 ~~12.50~~
Manufacturer's rated capacity of 1 ton	35.00 ~~17.50~~
Up to 16,000 lbs	42.00 ~~21.00~~

16,001 through 18,000 lbs	56.00 ~~28.00~~
18,001 through 20,000 lbs	75.00 ~~37.50~~
20,001 through 22,000 lbs	94.00 ~~47.00~~
22,001 through 24,000 lbs	140.00 ~~70.00~~
24,001 through 26,000 lbs	180.00 ~~90.00~~
26,001 through 28,000 lbs	220.00 ~~110.00~~
28,001 through 30,000 lbs	260.00 ~~130.00~~
30,001 through 32,000 lbs	300.00 ~~150.00~~
32,001 through 34,000 lbs	340.00 ~~170.00~~
34,001 through 36,000 lbs	380.00 ~~190.00~~
36,001 through 38,000 lbs	430.00 ~~215.00~~
38,001 through 40,000 lbs	470.00 ~~235.00~~
40,001 through 42,000 lbs	510.00 ~~255.00~~
42,001 through 44,000 lbs	550.00 ~~275.00~~
44,001 through 46,000 lbs	600.00 ~~300.00~~
46,001 through 48,000 lbs	640.00 ~~320.00~~
48,001 through 50,000 lbs	680.00 ~~340.00~~
50,001 through 52,000 lbs	720.00 ~~360.00~~
52,001 through 54,000 lbs	760.00 ~~380.00~~
54,001 through 56,000 lbs	800.00 ~~400.00~~
56,001 through 58,000 lbs	840.00 ~~420.00~~
58,001 through 60,000 lbs	880.00 ~~440.00~~
60,001 through 62,000 lbs	920.00 ~~460.00~~
62,001 through 64,000 lbs	965.00 ~~482.50~~
64,001 through 66,000 lbs	1,005.00 ~~502.50~~
66,001 through 68,000 lbs	1,045.00 ~~522.50~~
68,001 through 70,000 lbs	1,091.50 ~~545.75~~

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70,001 through 72,000 lbs	1,133.00 ~~566.50~~
72,001 through 74,000 lbs	1,215.00 ~~607.50~~
74,001 through 76,000 lbs	1,310.00 ~~655.00~~
76,001 through 78,000 lbs	1,390.00 ~~695.00~~
78,001 through 80,000 lbs	1,500.00 ~~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	1,500.00 ~~750.00~~ plus an additional ~~$46.00~~ $92.00 for each ton or fraction of a ton in excess of 80,000 lbs. plus an additional ~~$100.00~~ $200.00 to exceed the 80,000 lbs. federal gross weight limit.

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Section 7. 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~~ $20	~~$15~~ $30	~~$20~~ $40
46,001 through 80,000 lbs.	~~20~~ 40	~~30~~ 60	~~40~~ 80
Over 80,001 lbs.	~~50~~ 100	~~65~~ 130	~~80~~ 160

Triple combination	~~60~~ 120	~~80~~ 160	~~100~~ 200

(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~~ $20 for each trip of 200 miles or less;

(b) ~~$15~~ $30 for each trip of over 200 miles to 400 miles; and

(c) ~~$20~~ $40 for each trip of over 400 miles."

Section 8. 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~~ $600 or by a sentence of not more than 60 days in the county jail or both."

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