

HOUSE BILL NO. 246

INTRODUCED BY P. CONNELL

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A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MAXIMUM ALLOWABLE GROSS VEHICLE WEIGHT FOR A VEHICLE WITH AT LEAST SIX AXLES; AND AMENDING SECTIONS 61-10-107 AND 61-10-125, MCA."

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

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Section 1. Section 61-10-107, MCA, is amended to read:

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"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~~ but 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:

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$$W = 500 ((LN/(N - 1)) + 12N + 36)$$

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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.

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(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 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).

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(2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1) and subject to subsection (2)(b), a vehicle equipped with at least six axles may exceed the maximum gross weight otherwise

1 applicable if:

2 (i) the weight of any single axle does not exceed 20,000 pounds;

3 (ii) the weight of two consecutive axles more than 40 inches but less than 96 inches apart does not
4 exceed 34,000 pounds;

5 (iii) the weight of three or more consecutive axles more than 40 inches but less than 96 inches apart does
6 not exceed 51,000 pounds; and

7 (iv) the gross weight of the vehicle does not exceed 97,000 pounds.

8 (b) A vehicle may not exceed the maximum axle weight requirements under any one axle grouping in
9 subsections (2)(a)(i) through (2)(a)(iii) by more than 2,000 pounds.

10 (c) If vehicles described in subsection (2)(a) operate on highway routes in this state in a fiscal year, the
11 department shall submit to the U.S. secretary of transportation for the fiscal year an annual report at the time, in
12 the manner, and containing the information required by the secretary and including at minimum:

13 (i) an identification of highway routes in the state, including routes not on the interstate system, on which
14 the vehicles operate;

15 (ii) a description of the operating requirements and gross vehicle weight limits applicable to the vehicles;

16 (iii) safety statistics concerning the vehicles, including vehicle miles traveled data.

17 (d) Following the fifth fiscal year in which vehicles operate pursuant to subsection (2)(a) and following
18 each fifth fiscal year thereafter, the department shall include in the annual report required under subsection (2)(c)
19 an assessment, developed by the U.S. secretary of transportation, of the impacts that vehicles described in
20 subsection (2)(a) have had on pavement and bridge maintenance costs incurred by the state in the preceding
21 5 fiscal years.

22 ~~(2)(3)~~ (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), except for
23 the steering axle, all axles weighing over 11,000 pounds must have at least four tires or have wide-base tires.
24 The maximum load on an axle, other than a steering axle, equipped with wide-base tires is limited to 500 pounds
25 for each inch of tire width.

26 (b) The provisions of subsection ~~(2)(a)~~ (3)(a) do not apply to passenger buses.

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

1 ~~(3)~~(4) This section does not apply to highways that are a part of the national system of interstate and
 2 defense highways, ~~as~~ referred to in 23 U.S.C. 127, when application of this section would prevent this state from
 3 receiving federal funds for highway purposes. (Terminates on occurrence of contingency--sec. 2, Ch. 342, L.
 4 2005.)

5 **61-10-107. (Effective on occurrence of contingency) Maximum gross weight.** (1) An axle may not
 6 carry a load in excess of 20,000 pounds, and no two consecutive axles more than 40 inches ~~or~~ but less than 96
 7 inches apart may carry a load in excess of 34,000 pounds. An axle load is the total load transmitted to the road
 8 by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart,
 9 extending across the full width of the vehicle. For purposes of this section, axles 40 inches or less apart are
 10 considered to be a single axle. The maximum gross weight allowed on a vehicle, group of axles, or combination
 11 of vehicles must be determined by the formula:

$$12 \qquad \qquad \qquad W = 500 ((LN/(N - 1)) + 12N + 36)$$

13 in which W equals gross weight, L equals wheelbase in feet, and N equals number of axles, except that two
 14 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between
 15 the first and last axles of the consecutive sets of tandem axles is 36 feet or more. The maximum gross weight
 16 allowed on a vehicle may not exceed the weight limits adopted by the department. The department shall adopt
 17 rules for weight limits based upon the most recent version of 23 CFR, part 658, appendix c, for vehicles operating
 18 in Montana.

19 (2) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1) and subject to
 20 subsection (2)(b), a vehicle equipped with at least six axles may exceed the maximum gross weight otherwise
 21 applicable if:

22 (i) the weight of any single axle does not exceed 20,000 pounds;

23 (ii) the weight of two consecutive axles more than 40 inches but less than 96 inches apart does not
 24 exceed 34,000 pounds;

25 (iii) the weight of three or more consecutive axles more than 40 inches but less than 96 inches apart does
 26 not exceed 51,000 pounds; and

27 (iv) the gross weight of the vehicle does not exceed 97,000 pounds.

28 (b) A vehicle may not exceed the maximum axle weight requirements under any one axle grouping in
 29 subsections (2)(a)(i) through (2)(a)(iii) by more than 2,000 pounds.

30 (c) If vehicles described in subsection (2)(a) operate on highway routes in this state in a fiscal year, the

1 department shall submit to the U.S. secretary of transportation for the fiscal year an annual report at the time, in
 2 the manner, and containing the information required by the secretary and including at minimum:

3 (i) an identification of highway routes in the state, including routes not on the interstate system, on which
 4 the vehicles operate;

5 (ii) a description of the operating requirements and gross vehicle weight limits applicable to the vehicles;

6 (iii) safety statistics concerning the vehicles, including vehicle miles traveled data.

7 (d) Following the fifth fiscal year in which vehicles operate pursuant to subsection (2)(a) and following
 8 each fifth fiscal year thereafter, the department shall include in the annual report required under subsection (2)(c)
 9 an assessment, developed by the U.S. secretary of transportation, of the impacts that vehicles described in
 10 subsection (2)(a) have had on pavement and bridge maintenance costs incurred by the state in the preceding
 11 5 fiscal years.

12 ~~(2)~~(3) (a) Notwithstanding a vehicle's conformance with the requirements of subsection (1), except for
 13 the steering axle, all axles weighing over 11,000 pounds must have at least four tires or have wide-base tires.
 14 The maximum load on an axle, other than a steering axle, equipped with wide-base tires is limited to 500 pounds
 15 for each inch of tire width.

16 (b) The provisions of subsection ~~(2)(a)~~ (3)(a) do not apply to passenger buses.

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

21 ~~(3)~~(4) This section does not apply to highways that are a part of the national system of interstate and
 22 defense highways, ~~as~~ referred to in 23 U.S.C. 127₂, when application of this section would prevent this state from
 23 receiving federal funds for highway purposes."
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25 **Section 2.** Section 61-10-125, MCA, is amended to read:

26 **"61-10-125. Other fees.** (1) There is charged for a single trip permit for a load that is over the gross
 27 allowable load provided for by the formula in 61-10-107(1) but that does not exceed axle limits set forth in
 28 61-10-107(1) and 61-10-107(2):

29 (a) \$10 for distances to and including 100 miles;

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

1 (c) \$50 for distances over 200 miles traveled.

2 (2) (a) There is charged a fee of:

3 (i) \$200 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
4 61-10-107(2) but that does not exceed a total of 5,000 pounds in excess axle weight;

5 (ii) \$500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
6 61-10-107(2) but that does not exceed a total of 10,000 pounds in excess axle weight, with no single axle
7 exceeding 5,000 pounds in excess axle weight;

8 (iii) \$750 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
9 61-10-107(2) but that does not exceed a total of 15,000 pounds in excess axle weight, with no single axle
10 exceeding 5,000 pounds in excess axle weight;

11 (iv) \$1,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
12 61-10-107(2) but that does not exceed a total of 20,000 pounds in excess axle weight, with no single axle
13 exceeding 5,000 pounds in excess axle weight and no tandem axle exceeding 15,000 pounds in excess axle
14 weight;

15 (v) \$1,500 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
16 61-10-107(2) but that does not exceed a total of 25,000 pounds in excess axle weight, with no axle or axle group
17 exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

18 (vi) \$2,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
19 61-10-107(2) but that does not exceed a total of 30,000 pounds in excess axle weight, with no axle or axle group
20 exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

21 (vii) \$3,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
22 61-10-107(2) but that does not exceed a total of 35,000 pounds in excess axle weight, with no axle or axle group
23 exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation;

24 (viii) \$4,000 for a term permit for a load that is in excess of the limits set forth in 61-10-107(1) and
25 61-10-107(2) but that does not exceed a total of 40,000 pounds in excess axle weight, with no axle or axle group
26 exceeding the maximum weight allowed by a weight analysis conducted by the department of transportation.

27 (b) The fees provided in subsection (2)(a) are annual fees but may be prorated on a quarterly basis and
28 may be paid quarterly, semiannually, or annually. However, if the fee is paid other than annually, there is an
29 additional fee of \$10 each time a fee is paid.

30 (c) A permit issued under this subsection (2) is valid for a period of no less than 1 calendar quarter and

1 no more than 1 calendar year.

2 (d) The department of transportation or its agent may not issue a term permit for loads that exceed
3 10,000 pounds in excess axle weight unless the person applying for the term permit has obtained approval from
4 the department of transportation, through a weight analysis, for the configuration of the vehicle.

5 (3) There is charged for a permit to move a load that exceeds the single axle, tandem axle, or axle group
6 limits set forth in 61-10-107(1) and 61-10-107(2) the following fee based upon the sum of excess in axle or axle
7 group weights:

| 8 Total Excess Axle Weight | Calculated Cost of |
|----------------------------|--------------------|
| 9 (pounds) | 25 Miles of Travel |
| | 10 (dollars) |
| 11 5,000 | 3.50 |
| 12 10,000 | 7.00 |
| 13 15,000 | 10.50 |
| 14 20,000 | 14.00 |
| 15 25,000 | 17.50 |
| 16 30,000 | 21.00 |
| 17 35,000 | 24.50 |
| 18 40,000 | 28.00 |
| 19 45,000 | 31.50 |
| 20 50,000 | 35.00 |
| 21 55,000 | 38.50 |
| 22 60,000 | 42.00 |
| 23 65,000 | 45.50 |
| 24 70,000 | 49.00 |
| 25 75,000 | 52.50 |
| 26 80,000 | 56.00 |
| 27 85,000 | 59.50 |
| 28 90,000 | 63.00 |
| 29 95,000 | 66.50 |
| 30 100,000 | 70.00 |

1 over 100,000 70.00 + 3.50 per 5,000 lbs. or
 2 part of 5,000 lbs. in excess of 100,000 lbs.

3 (4) For purposes of subsection (3):

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

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

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

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