

1 HOUSE BILL NO. 401  
2 INTRODUCED BY D. FERN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LOAD SECURING LAW FOR VEHICLES  
5 HAULING TRASH ON PUBLIC HIGHWAYS; PROVIDING THAT A VIOLATION IS A MISDEMEANOR; AND  
6 AMENDING SECTION 61-8-370, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 Section 1. Section 61-8-370, MCA, is amended to read:

11 "61-8-370. Securing of load -- requirement -- exemptions -- violation. (1) (a) A person operating a  
12 loaded vehicle on a public highway shall load the vehicle or secure the load sufficiently to prevent littering or  
13 creating an obstruction dangerous to the public traveling on the highway.

14 ~~(b) A load such as garbage, recyclable material, building materials, appliances, furniture, or refuse~~  
15 ~~of any kind that may create an obstruction dangerous to the public traveling on the highway must be covered~~  
16 ~~and secured to prevent any of the load from dropping, shifting, or otherwise escaping from the vehicle.~~

17 ~~(c) A person operating a loaded vehicle on a public highway from which any object as described in~~  
18 ~~subsection (1)(b) escapes that may create an obstruction dangerous to the public traveling on the highway,~~  
19 ~~including but not limited to building materials, furniture, and appliances, escapes shall:~~

20 (i) ~~remove the object or cause it to be removed from the roadway when removal can be completed~~  
21 ~~safely; and~~

22 (ii) ~~if state or local resources are used to complete the removal, pay the cost of the removal as~~  
23 ~~determined by the applicable roadway authority.~~

24 (2) The following vehicles are exempt from the provisions in subsection (1):

25 (a) a commercial motor vehicle that is operating in compliance with state and federal laws and  
26 requirements governing the securing of loads;

27 (b) a vehicle transporting processed or unprocessed agricultural products or inputs, including but  
28 not limited to fertilizer, manure, and pesticides;

**Amendment - 1st Reading-white - Requested by: Dave Fern - (H) Transportation**

- 2023

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Drafter: Sara Hess, (406) 444-4838

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- 1 (c) a vehicle performing road maintenance; and  
2 (d) a vehicle in a marked work zone."  
3 (3) A person who violates the requirements of subsection (1) is guilty of a misdemeanor.

4 - END -

AMEND