

HOUSE BILL NO. 401

INTRODUCED BY D. FERN

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

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

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

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

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

~~(c)(B) A person operating a loaded vehicle on a public highway from which any object as described in subsection (1)(b) ESCAPES THAT MAY CREATE AN OBSTRUCTION DANGEROUS TO THE PUBLIC TRAVELING ON THE HIGHWAY, INCLUDING BUT NOT LIMITED TO BUILDING MATERIALS, FURNITURE, AND APPLIANCES, escapes shall:~~

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

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

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

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

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

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.

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