

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."

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

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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 shall:

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

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

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

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

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

28 (c) a vehicle performing road maintenance; and

1 (d) a vehicle in a marked work zone."

2 (3) A person who violates the requirements of subsection (1) is guilty of a misdemeanor.

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