MDT LEGISLATIVE PROPOSALS 2021 LEGISLATIVE SESSION
AUGUST 2020

## MAINTENANCE DIVISION

MDT #001 - Amend Mont. Code Ann. § 61-9-228, Standards for Lights on Snow Removal Equipment.

- Current law: Mont. Code Ann. § 61-9-228 Snow removal equipment standards, allows for flashing lights for purposes of identification on snow removal equipment, but does not specify the color of lights. Mont. Code Ann. § 61-9-402 prohibits use of blue lights by any vehicle other than a police vehicle.
- Issue presented: Crash statistics show a number of vehicles crash into the rear of MDT snow removal equipment. Blue or green lights would help provide better visibility than the standard amber lights that MDT currently uses with the intent of reducing the rear end collisions with snow removal equipment. Additionally, using blue or green would help distinguish MDT snow removal equipment from other types of vehicles that are utilizing an amber flashing light (construction vehicles, oil/fuel trucks, etc.).
- Amendment: Amend Mont. Code Ann. § 61-9-228 to allow for green or blue lights on snow removal equipment. Amend Mont. Code Ann. § 61-9-402 to allow use of blue or green lights by snow removal equipment.

## MAINTENANCE/MOTOR CARRIER SERVICES DIVISIONS

MDT #002 - Amend Mont. Code Ann. § 61-9-520, Violation of Tire Chain or Traction Device Use, and § 61-10-154 MCS Peace Officer duties.

- Current law: Mont. Code Ann. § 61-9-520 states MDT may determine at any time that dangerous or unsafe conditions on a highway require particular tires, tire chains, or traction devices for vehicles in addition to or beyond the ordinary pneumatic rubber tires. The section is only enforceable by law enforcement officers and subjects violators to a fine of only $25.00.

- Issue presented: Semi-trucks often do not adhere to MDT's "chains required" signs. Increasingly, trucks then get stuck, which causes a hazard by blocking the highway either partially or fully. Highway blockage brings traffic to a standstill, including snow removal equipment also stuck in the same traffic and unable to do their job. This amendment would allow MCS Officers to help with enforcement and supplement the Montana Highway Patrol Officers. An increase to the fine structure would also help with better adherence to MDT's "chains required" signs. The amendment will allow for better compliance and a decrease in trucks stuck blocking the highway.
- Amendment: Amend Mont. Code Ann. § 61-9-520 and § 61-10-154 MCS tire chain laws to allow MDT's Motor Carrier Services officers who are designated as peace officers to enforce the laws and increase fines for violations to $250 or $750 for a violation of this section which causes the closure of all lanes in one or both directions of a highway.

## HUMAN RESOURCES AND OCCUPANTIONAL SAFETY DIVISION

MDT #003 - Repeal Mont. Code Ann. § 2-18-1001, MCA *et seq*, Department of Labor's Board of Personnel Appeals Grievance Process for MDT and FWP employees.

- Status: MDT IS CURRENTLY ADVISED DEPARTMENT OF LABOR WILL BRING THIS BILL WITH SUPPORT FROM MDT AND FWP.
- Current law: MDT employees who wish to submit an employment grievance may submit the grievance to a hearing before the Department of Labor's Board of Personnel Appeals (BOPA) in addition to MDT and other State grievance processes. The Board may issue an order requiring MDT to take an action to resolve the employee's grievance.
- Issue presented: The Department of Labor BOPA grievance process differs from MDT employee grievance processes and creates conflict and confusion in resolving employee grievances.

- Amendment: Repeal § 2-18-1001, MCA et seq. to standardize the grievance process for MDT employees. DEPARTMENT OF LABOR WILL BRING THIS BILL.

MDT #004 - Withdrawn

MOTOR CARRIER SERVICES DIVISION

MDT #005 - Generally revise Motor Carrier Services statutes.

- Current law: Mont. Code Ann. §§ 61-3-709 and 69-12-408 Business markings on commercial vehicles; § 61-10-104 Vehicle length; §§ 61-10-121, and 61-10-124 Permits for excess size and weight; and § 61-10-141 (3) Vehicle weigh scales.
- Issue presented: Numerous MCS statutes have become outdated or out of compliance with federal regulations and now require updates on issues including: scale bypass; commercial vehicle marking; term permit limits; boat transporter length; and measurement of trailer length.
- Amendment: Amend Mont. Code Ann. §§ 61-3-709, 69-12-408 to clarify the marking of commercial vehicles and make changes to both these laws to match CFR 390.21; Mont. Code Ann. § 61-10-104 to change the length on boat transporter to 80 feet to comply with federal changes on the allowed length; Mont. Code Ann. § 61-10-104 to modify trailer length measurement to account for front and rear overhang; Mont. Code Ann. § 61-10-121, 61-10-124, 61-10-222 -allow term permits to extend beyond the current GVW license; Mont. Code Ann. § 61-10-141 to expand language to define when trucks can bypass scales, e.g. government-owned vehicles, construction companies with project in the vicinity, etc.

MDT #006 - Amend Mont. Code Ann. §§ 60-4-202 and 60-4-203 to allow MDT Right-of-Way to issue notice of sale of property online and use an online auction process.

- Current law: Mont. Code Ann. §§ 60-4-202 and 60-4-203 require MDT to sell real property not needed for highway purposes through

newspaper publication of notice of sale and in-person public auctions at county courthouses.

- Issue presented: Use of newspaper notices and county courthouse auctions is inefficient and does not acknowledge current on-line sale notice and on-line public auction efficiencies.
- Amendment: Amend Mont. Code Ann. §§ 60-4-202 and 60-4-203 to allow for on-line notice of sale publication and on-line public auction processes in addition to in-person sales.

## AERONAUTICS DIVISION

MDT #007 - Amend Mont. Code Ann. §§ 67-10-901 through 67-10-904 to allow MDT to provide grants for courtesy cars at state-owned airports to appropriate local sponsors.

- Current law: Mont. Code Ann. §§ 67-10-901 through 67-10-904 allow MDT Aeronautics Division to provide grants to municipalities for courtesy cars at certain Montana airports where rental cars or taxicabs are not available.
- Issue presented: The current statutes do not allow courtesy car grants to state-owned airports, as they are not included in the current definition of "municipalities" which are eligible to receive the grants.
- Amendment: Amend Mont. Code Ann. §§ 67-10-901 through 67-10-904 to allow grants to municipalities and third-party representatives, which would include state-owned airports.