

code cleanup

IDEAS FOR TIC'S CONSIDERATION

overview

definitions in Title 60. Highways and transportation

definitions in Title 61. Motor vehicles

penalties in Title 61

committee bills

overview

easier fixes

tougher fixes

Title 60 definitions

3 EASIER FIXES; 3 TOUGHER FIXES

definitions in Title 60

Title > chapter > part > section > subsection

60-1-103 provides 28 definitions for the title

19 statutes provide additional definitions

easier fix 1: span qualifiers

bill drafting manual:
**“As used in this
[span], the following
definitions apply:”**

11/20 sections
deviate from the
manual

easier fix 1: example

CURRENT 60-4-401

60-4-401. Occupancy and relocation -- definitions. For the purposes of this part, unless otherwise indicated, the following definitions apply:

(1) (a) "Cost of relocation" means the amount paid by the utility for material, labor, and equipment properly attributable to the relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility. . .

PROPOSED 60-4-401

60-4-401. Occupancy and relocation -- definitions. ~~For the purposes of this part, unless otherwise indicated, the following definitions apply~~As used in this part, unless otherwise indicated, the following definitions apply:

(1) (a) "Cost of relocation" means the amount paid by the utility for material, labor, and equipment properly attributable to the relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility. . .

easier fix 1:
full list

60-2-112. “for the purposes of”

60-2-115. “for the purposes of”

60-2-134. “for the purposes of”

60-2-240. “for the purposes of”

60-3-206. “for the purposes of”

60-3-211. “for the purposes of”

60-4-401. “for the purposes of”

60-4-601. “for the purposes of”

60-5-102. “when used in this chapter”

60-6-106. no span qualifier

60-11-110. “for the purposes of”

easier fix 2: “department” means MDT

CURRENT 60-2-220

...

(4) The department may accept money from other state agencies, federal agencies, local governments, or private persons for the purposes of subsections (2) and (3) and may expend the money received for those purposes.

(5) As used in this section, "department" means the department of transportation provided for in 2-15-2501.

PROPOSED 60-2-220

...

(4) The department may accept money from other state agencies, federal agencies, local governments, or private persons for the purposes of subsections (2) and (3) and may expend the money received for those purposes.

~~(5) As used in this section, "department" means the department of transportation provided for in 2-15-2501.~~

easier fix 3: move 60-11-112 to 11-111

60-11-111. Identification and acquisition of railroad rights-of-way -- identification of railroad lines for rehabilitation. (1) Identification of those railroad lines proposed for abandonment in the state of Montana that may have potential for local transportation service or future use as transportation corridors is necessary to determine the feasibility of acquisition by the state and to allow the state to negotiate for acquisition of those railroad lines or easements in the lines.

(2) Identification of those railroad branch lines in the state that may have potential for local rail freight transportation service is necessary to determine the feasibility of providing loans or grants to the owner or operator of the railroad line as provided in [60-11-120](#).

(3) The department of transportation:

(a) shall identify railroad rights-of-way in this state that may be abandoned and research the feasibility of acquisition by the state of Montana of those rights-of-way that may be abandoned;

(b) shall identify, under the state rail planning program, railroad branch lines that should be preserved for continued operation;

(c) may negotiate for and acquire easements in the rights-of-way or the railroad rights-of-way and attendant facilities identified pursuant to subsection (3)(a) and:

(i) hold all acquired lands in trust for transportation purposes; and

(ii) upon creation of an appropriate local authority, other than an agency of state government, shall transfer to the local authority all attendant facilities and all rights and responsibility to operate and maintain transportation services over the lands acquired in subsection (3)(c);

(d) shall cooperate with and assist persons representing recreational, transportation, and utility interests and other interested persons, including adjacent landowners, in acquiring ownership or easement of abandoned railbeds; and

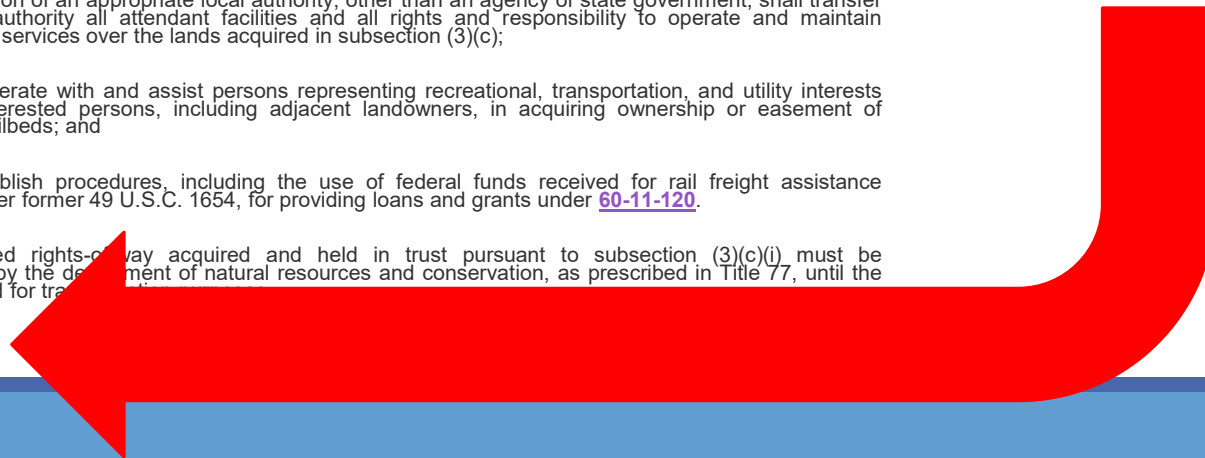
(e) shall establish procedures, including the use of federal funds received for rail freight assistance programs under former 49 U.S.C. 1654, for providing loans and grants under [60-11-120](#).

(4) Abandoned rights-of-way acquired and held in trust pursuant to subsection (3)(c)(i) must be administered by the department of natural resources and conservation, as prescribed in Title 77, until the land is needed for transportation purposes.

60-11-112. Definitions. As used in [60-11-111](#), the following definitions apply:

(1) "Railbed" means the fee or lessor interest in the land 8.5 feet to either side of the centerline of the railroad track.

(2) "Recreational interest" means a local government or a not-for-profit corporation that has as its stated purpose the development, use, or maintenance of public recreational trails.



tougher fixes:
“abandonment”

1. rights-of-way and easements

2. just rights-of-way

3. railroads

tougher fix 1

“abandonment”
in 60-1-103 and 7-
14-2601

original identical language: “Abandonment”—Cessation of use of right of way (easement) or activity thereon with no intention to reclaim or use again. (Sometimes called “vacation.”)

tougher fix 1: current language

60-1-103

"Abandonment" means cessation of use of right-of-way or an easement or cessation of activity on the right-of-way or easement with no intention to reclaim or use again. Abandonment is sometimes called vacation.

7-14-2601

"abandonment" or "vacation" means cessation of the use of a right-of-way or easement or of activity on a right-of-way or easement with no intention to reclaim or use it again;

tougher fix 1: proposal

60-1-103

"Abandonment" or "vacation" means cessation of ~~use of the use of a~~ right-of-way or ~~an~~ easement or ~~cessation~~ of activity on ~~the a~~ right-of-way or easement with no intention to reclaim or use ~~it~~ again. ~~Abandonment is sometimes called vacation.~~

7-14-2601

"abandonment" ~~or and~~ "vacation" ~~means~~ ~~cessation of the use of a right-of-way or~~ ~~easement or of activity on a right-of-way or~~ ~~easement with no intention to reclaim or use~~ ~~it again;~~ have the meaning provided in 60-1-103

tougher fix 2:
60-4-214

60-1-103; applies to Title 60; right-of-way and
easement

60-4-214; applies to 60-4-213 through 60-4-218;
just rights-of-way

"Abandonment" means cessation of use of right-
of-way or activity on the right-of-way with no
intention to reclaim or use the right-of-way again

tougher fix 2: proposal

1

work with stakeholders

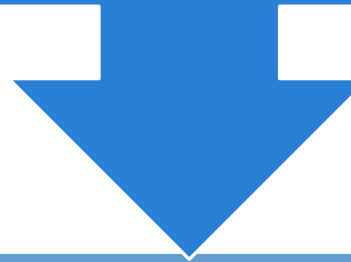
2

determine if we can change 60-4-214 from “abandonment” to “right-of-way abandonment”

3

make necessary changes in 60-4-213 through 60-4-218

For purposes of this part, "abandonment" means the relinquishment of property, both real and personal, and the discontinuance of railroad services. Abandonment may be accomplished by voluntary act or by formal procedure



Proposal:

work with stakeholders

determine if we can change this to "railroad abandonment"

make necessary changes in Title 60, chapter 11, part 10

tougher fix 3:
60-11-110

Title 61 definitions

6 EASIER FIXES; 3 TOUGHER FIXES

definitions in Title 61

Title > chapter > part > section > subsection

61-1-101 provides 94 definitions for the title

45 statutes provide additional definitions

easier fix 1:
span qualifiers

61-2-102. “the following definitions apply”

61-3-503. “for the purposes of”

61-4-402. no span qualifier

61-4-501. “for the purposes of”

61-5-119. “for the purposes of”

61-5-232. “for purposes of”

61-10-102. “for the purposes of”

61-10-141. “for the purposes of”

easier fix 2: definitions in 61-3-412 and 413

61-3-412

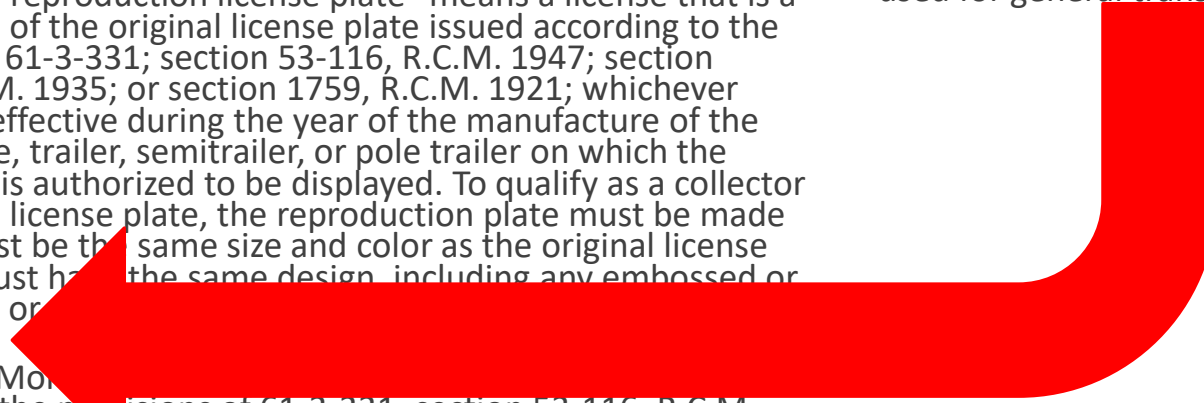
(1) As used in 61-3-413 and this section, the following definitions apply:

(a) "Collector reproduction license plate" means a license that is a reproduction of the original license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed. To qualify as a collector reproduction license plate, the reproduction plate must be made of metal, must be the same size and color as the original license plate, and must have the same design, including any embossed or raised letters or

(b) "Original Motor Vehicle License Plate" means a license plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

61-3-413

(1) For the purposes of 61-3-412 and this section, a "general transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used for general transportation purposes.



easier fix 3: definitions in 61-10-102

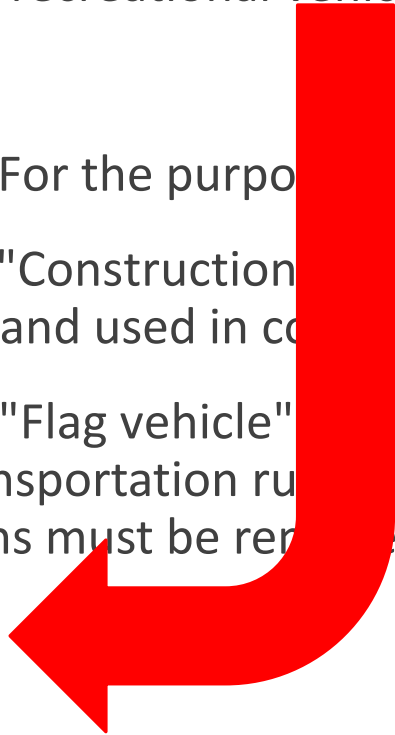
[(3)(b)] For the purposes of this section, "recreational vehicle or camper appurtenances" means an awning and its support hardware or any appendage that is intended to be an integral part of the recreational vehicle or camper and that is installed by the manufacturer or dealer.

...

(6) For the purposes of this section, the following definitions apply:

(a) "Construction equipment" means any vehicle, machine, or attachment designed or adapted for and used in construction, heavy construction, highway construction, and remodeling work.

(b) "Flag vehicle" means a vehicle equipped as required by law or by department of transportation rules to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed.



easier fix 4:
unnecessary “as
defined in 61-1-
101”

61-4-111 (authorized agent)

61-4-121 (authorized agent)

61-6-102 (registration)

61-8-376 (electric personal assistive mobility devices)

61-9-407 (street rod)

61-9-417 (autocycle)

61-9-430 (street rod)

61-9-432 (low-speed and medium-speed EVs)

61-10-102 (camper and recreational vehicle)

easier fix 4 example: 61-4-111

. . . (2) Upon the transfer of a used motor vehicle, power sports vehicle, or trailer to a person other than a dealer or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the used motor vehicle, power sports vehicle, or trailer was transferred if the dealer is an authorized agent, ~~as defined in 61-1-101~~. In addition, the following acts are required of the dealer on or before the times set forth in this subsection: . . .

easy fix 5: move definitions out of 61-1-101

“Declared weight” can be defined in a new definition section for Title 61, chapter 3 – the only chapter where “declared weight” is used.

“dolly or converter gear” can be defined in 61-3-201, which is the only statute that uses the term.

“specially constructed vehicle” can be defined in a new definition section for Title 61, chapter 3, which is the only chapter that uses the term.

“sport utility vehicle” can be defined within the definition of “light vehicle”, which is the only place in Title 61 that the term is used.

“storage lot” can be defined in 61-4-123, which is the only statute that uses the term.

“transaction summary receipt” can be defined in a new definition section for Title 61, chapter 3, which is the only chapter that uses the term.

easier fix 6: “sailboat”

23-2-502

(15) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

61-1-101

(68) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

easier fix 6: “sailboat”

23-2-502

~~(15) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.~~

~~(b) The term does not include a canoe or kayak propelled by wind.~~

has the meaning provided in 61-1-101.

61-1-101

(68) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

complicated fix 1: “roadway”

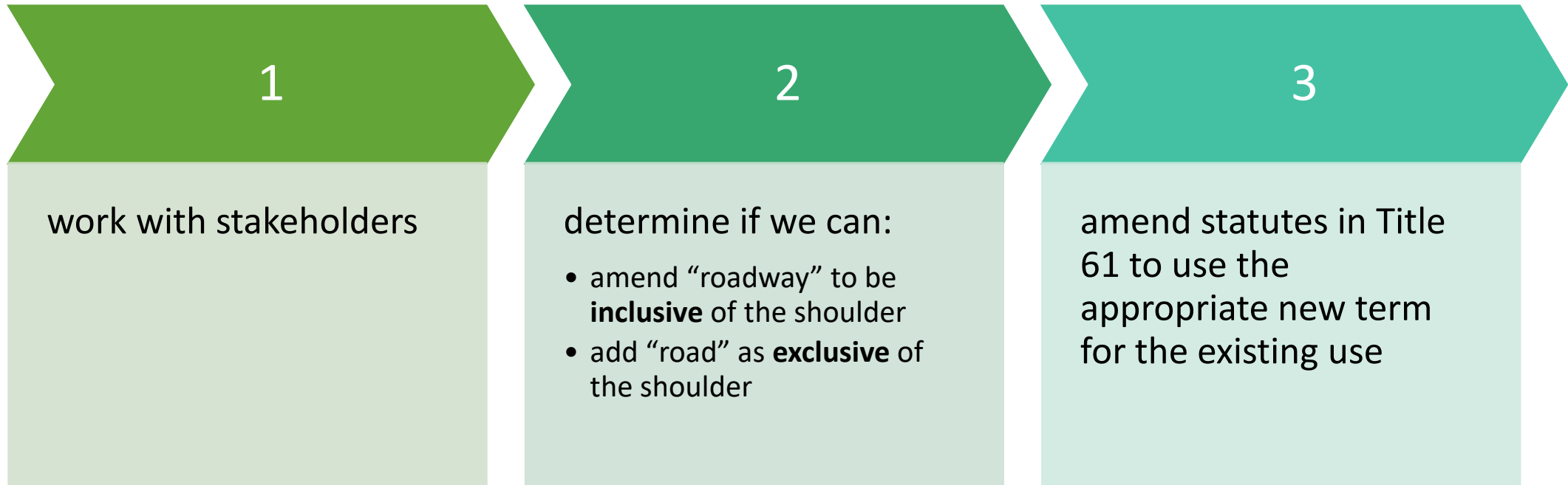
61-1-101 “roadway” **excludes** the shoulder

- applies across the Title
- used 14 times

61-8-102 “roadway” **includes** the shoulder

- applies in chapter 8
- used 47 times

complicated fix 1: proposal



complicated fix 2: “under the influence”

61-1-101

(88) "Under the influence" has the meaning provided in 61-8-1001.

61-8-1001

(14) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

complicated fix 2: “under the influence”

61-1-101

(88) "Under the influence" ~~has the meaning provided in 61-8-1001.~~

means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

61-8-1001

(14) "Under the influence" ~~means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.~~

has the meaning provided in 61-1-101

complicated fix 3: pincites to 61-1-101

61-3-317 pincites to
61-1-101(81)(b) –
temporary registration
permit timeframe

61-5-112 pincites to
61-1-101(10)(b)(ii) –
CDL farm exception

Title 61 penalties

3 EASIER FIXES

three easier
fixes

1. operating requirements that could use cross-references

2. penalty sections that are just cross-references

3. penalty sections that copy default penalty sections

fix 1: add cross-
references

61-3-206 → 61-3-607

61-9-406 → 61-9-520

61-9-407 → 61-9-515

61-9-409 → 61-9-516

61-9-416 → 61-9-517

61-9-417 → 61-9-518

61-9-437 → 61-9-522

61-11-101 → 61-5-307

fix 2: penalty sections that are cross-references

- 61-9-216 and 415 are requirements for certain slow-moving vehicles
- 61-9-513 says violating 61-9-216 and 415 is subject to penalties in 61-9-511
- 61-9-511 says violating provisions of the chapter is a misdemeanor unless otherwise specified and sets out penalties
- 61-9-406 deal with tire equipment
- 61-9-519 says violating 61-9-406 is a misdemeanor subject to penalties provided in 61-9-511
- 61-9-511 says violating provisions of the chapter is a misdemeanor unless otherwise specified and sets out penalties

fix 3: penalties that are copies

61-9-518

A person convicted of the violation of [61-9-418](#) shall be punished by a fine of not less than \$10 or more than \$100 for the first conviction. For a second conviction within 1 year, the person shall be punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500.

61-9-511

for a first conviction be punished by a fine of not less than \$10 or more than \$100. For a second conviction within 1 year, the person shall be punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500.

fix 3: visualized

VEHICLE EQUIPMENT REQUIREMENTS

61-9-227. Blinker-type or revolving red light on certain private vehicles

61-9-418. Motorcycle and quadricycle noise suppression devices

PENALTIES, T. 61, CH. 9, PART 5

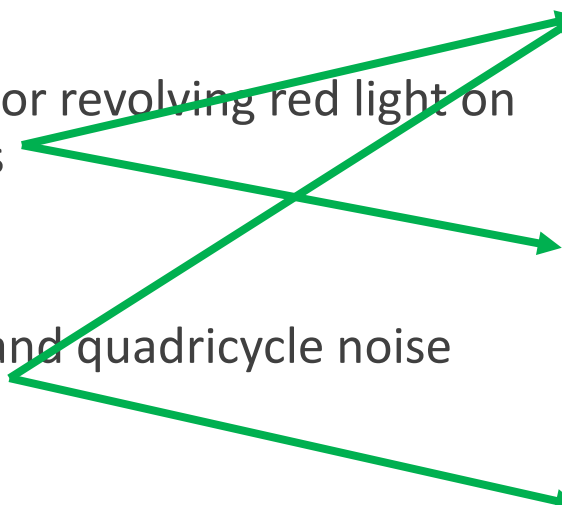
511. Violation of chapter (misdemeanor – 1st \$10-100; 2nd/yr. \$25-200; 3rd+/yr. \$50-500)

...

514. Unauthorized use of firefighter's private vehicle (misdemeanor)

...

518(2). Violation of motorcycle or quadricycle requirements (1st \$10-100; 2nd/yr. \$25-200; 3rd+/yr. \$50-500)



fix 3: disclaimer

VEHICLE EQUIPMENT REQUIREMENTS

61-9-227. Blinker-type or revolving red light on certain private vehicles

61-9-418. Motorcycle and quadricycle noise suppression devices

PENALTIES, T. 61, CH. 9, PART 5

511. Violation of chapter (misdemeanor – 1st \$10-100; 2nd/yr. \$25-200; 3^{rd+}/yr. \$50-500)

...

514. Unauthorized use of firefighter's private vehicle (misdemeanor)

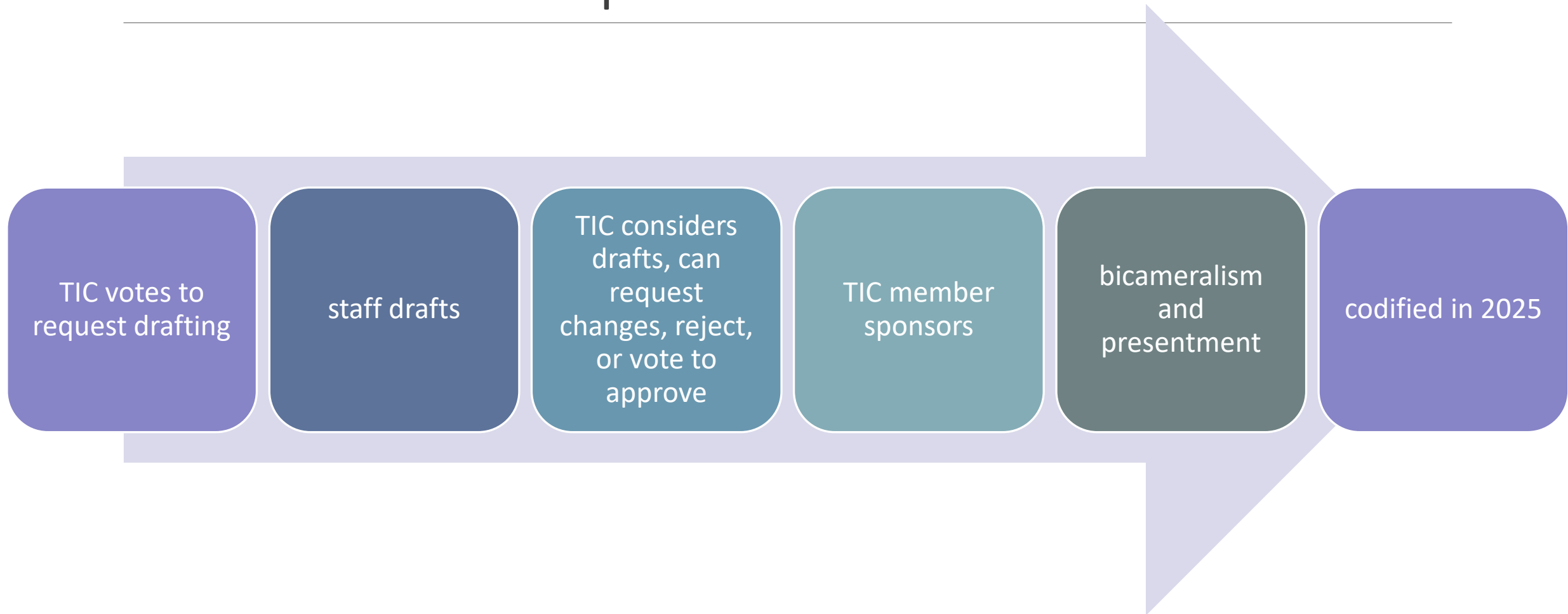
...

518(2). Violation of motorcycle or quadricycle requirements (1st \$10-100; 2nd/yr. \$25-200; 3^{rd+}/yr. \$50-500)

committee bill procedure

FROM REQUEST TO CODIFICATION

committee bill process



requesting
drafts: 5-5-215,
MCA

(2) . . . An interim committee may by vote request four bill drafts on a partisan basis and an unlimited number of bill drafts on a bipartisan basis.

(4) As used in this section:

(a) "bipartisan basis" means a vote in which members from more than one party vote to request a bill draft; and

(b) "partisan basis" means a vote in which members from only one party vote to request a bill draft.