

**From:** Mike Meehan  
**Sent:** Monday, August 23, 2010 3:26 PM  
**To:** David Prunty  
**Subject:**

?!!-7  
Dave, I spoke with Stu, he stated he worked Hwy 93, Hwy 35 and Hwy 82 for two solid days. However he did not see any trash blowing off any vehicle. He did acknowledge there is trash on the road and there is a problem but was unable to catch anyone. You can report to your board that on 08/16/2010 at 4:23 PM our office received a littering complaint north bound on Hwy 93. A tan dodge truck losing trash out of the back. Deputy 7-26 responded to the area and then followed up at an address on hwy 2 west where the truck was registered to, however he was unable to locate the truck or the owner. Sometimes the reporting party gets the wrong license number. One number off makes a world of difference. You can assure them we will follow up these complaints and do take them serious. But we have to prioritize calls for seriousness. You might also add Stu did tell me he saw a Highway Patrol officer that pulled someone over on 93 for losing trash.

Mike Meehan

**From:** Tara Fugina  
**Sent:** Sunday, August 01, 2010 3:41 PM  
**To:** David Prunty  
**Subject:** RE: MCA 61-8-370

I'll check it out and get back to you. I may not be in the office on Monday, but I'll get an answer to you by Tuesday at the latest.

Preliminarily, these are my thoughts: it's a misdemeanor, citable by law enforcement. The problem becomes a matter of law enforcement being willing to deal with it. My impression is that local law enforcement has said it is a Highway Patrol problem, and there it dies.

61-8-104. Required obedience to traffic laws. It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor punishable as provided in 61-8-711 for any person to do any act forbidden or fail to perform any act required in this chapter.

61-8-711. Violation of chapter -- penalty. (1) It is a misdemeanor for a person to violate any of the provisions of this chapter unless the violation is declared to be a felony.

(2) Each person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall 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 after the first conviction, 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.

(3) Except as provided in subsection (4), failure to pay a fine imposed under this chapter is a civil contempt of the court. On failure of payment of a fine, the court may:

(a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the provisions of Title 25, chapter 13; or

(b) if the court finds that the person is unable to pay, order the person to perform community service.

(4) If property is not found in an amount necessary to satisfy the unpaid portion of the fine and if the court makes a written finding that community service is inappropriate, the person shall be imprisoned in the county jail in the county in which the offense was committed, and the imprisonment shall be the number of days that the fine is divisible by the dollar amount of the incarceration credit contained in 46-18-403.

(5) Upon conviction, the court costs or any part of the court costs may be assessed against the defendant in the discretion of the court.

# Montana Code Annotated 2009

[Previous Section](#)   [MCA Contents](#)   [Part Contents](#)   [Search](#)   [Help](#)   [Next Section](#)

**61-8-370. Securing of load -- requirement -- exemptions.** (1) 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.

(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;

(c) a vehicle performing road maintenance; and

(d) a vehicle in a marked construction zone.

**History:** En. Sec. 1, Ch. 374, L. 1991; amd. Sec. 1, Ch. 428, L. 2009.

*Provided by Montana Legislative Services*