



MONTANA MUNICIPAL INTERLOCAL AUTHORITY

PO Box 6669

Helena MT 59604-6669

RISK MANAGEMENT BULLETIN

Please distribute to all appropriate personnel and post in a conspicuous place.

Date: 7/10/2023

RM Bulletin #01-24

To: MMIA Member-Owners

From: MMIA

RE: House Bill 401 – Revisions to Load Securing Law

HB 401 / MCA 61-8-370

Revisions to the Load Securing Law – Impacts for Municipalities

HB 401

The 2023 Legislature has passed HB 401 which amends **MCA 61-8-370 – Securing of Load** to include a misdemeanor provision for violation of subsection 1, which has also been expanded. The law is very broad to include all types of vehicles and the loads being carried as well as the operator of a vehicle, regardless of a commercial, municipal, or personally owned vehicle status. This law could affect Member-Owners and their vehicle operators if an object(s) escapes the vehicle or trailer hauling the objects. This would include but not limited to ladders, lumber, tools, scrap material, aggregates, trash, mobile equipment, lawn mowers, grass clippings and debris, mobile equipment accessories, etc. This revision goes into effect on October 1, 2023. See below for MCA 61-8-370.

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 person operating a loaded vehicle on a public highway from which any object escapes that may create an obstruction dangerous to the public traveling on the highway, including but not limited to building materials, furniture, and appliances, 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;



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(c) a vehicle performing road maintenance; and

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

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

The significance

A municipal employee operating a municipal vehicle carrying any item that subsequently escapes from the vehicle or trailer and creates an obstruction dangerous to drivers on a public highway could become subject to a misdemeanor charge if conditions in subsection 1 are not met. Coverage under the MMIA Liability Program MOC: SECTION 9. GENERAL EXCLUSIONS might also become applicable if a court ruling determines the violation was willful. This would be applicable on a case-by-case basis.

"MOC: SECTION 9. GENERAL EXCLUSIONS:

The following EXCLUSIONS shall apply to all coverages, Section 10 through Section 15, contained in this Memorandum:

9.3. Any liability arising out of the willful violation of a statute, ordinance or regulation, where the violation can result in the imposition of criminal or civil penalties, committed by or with the knowledge or consent of a COVERED PARTY; except that no violation by any COVERED PARTY shall be imputed to any other COVERED PARTY."

Preparation for October 1, 2023

To help protect your municipality and employees, additional supplies and training could be necessary for all employees using a municipal vehicle.

- Train for proper load securing techniques on trucks, trailers, pick-ups, and any vehicle carrying objects that could escape while in transit.
- Use proper tools and equipment to secure loads: straps, chains, covers, tarps, etc.
- Prevent items and materials from escaping pick-up beds, flatbeds, utility truck bed cabinets, and roof rack systems.
- Use securable containers for loose objects, tools, and trash storage.

Cargo Management Resources

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[North American Cargo Securement Standard](#)

