

MINUTES OF THE MEETING  
Highways and Transportation Committee  
Montana State Senate

March 6, 1979

The Twenty-first meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart in Room 410 of the State Capitol Building at 1:00 P.M. on March 6, 1979.

ROLL CALL: All Committee members were present.

CONSIDERATION OF HOUSE BILL 380: House Bill 380 is an act to clarify that the State of Montana is responsible for the entire cost of construction and maintenance of public highways when the state enters into an agreement with a local governing body to maintain portions of the public highway.

Representative Daniel Kemmis, District 94, Missoula, chief sponsor of House Bill 380, said this bill is an effort to clarify the responsibility of the State Highway Department for maintaining state highways within city limits. In 1965, the Legislature passed statutes, 60-2-210, which provides that all state highways within city limits shall be constructed and maintained by the State Highway Department. It says:

"Payment of construction and maintenance costs within municipalities. (1) Except as provided in subsection (2) of this section, the department of highways shall pay the entire costs of construction and maintenance of streets and highways which:

- (a) are state highway routes; and
  - (b) are within municipalities incorporated prior to January 1, 1965.
- (2) An incorporated municipality shall pay one-half of the state's share of the cost of curbs and gutters along those streets and highways."

In 1977 the Legislature passed another bill, which set up the state maintenance system 60-2-105. Another part of that bill 60-2-203 said the state is responsible for all highways as of July 1, 1976. It went on to say in the section that we are amending, Section 60-2-204, and he read from the codes:

"60-2-204. Maintenance agreements with local governments. The department may enter into an agreement with a local governing body to maintain portions of public highways within its boundaries upon such terms and conditions as may be agreed upon."

Representative Kemmis stated it seems clear that a portion of the section was to allow cities and the state highway department to decide that the cities could do part of the work or all of the work and the state highway department would then reimburse them. They could enter into an agreement. There has been some misunderstanding of the meaning of Section 60-2-204.

In some cases, the state highway department has attempted to establish a policy in regard to traffic control devices, that the department will put up a traffic control device, if, the city agrees to maintain and operate it. The purpose of this bill is make sure the state maintains the traffic control devices.

Chairman Etchart asked if there were any other proponents.

Jim Nugent, Missoula City Attorney, handed out Exhibit "A" to the committee. He went on to tell the committee that Section 60-2-210(1), M.C.A., 1979 expressly requires that "the department of highways shall pay the entire costs of construction and maintenance of streets and highways which are state highway routes" within incorporated municipalities. Maintenance is defined in Section 60-1-103(20), M.C.A., 1979. The department of highways for the State of Montana has ignored these provisions of law and developed a so called "departmental policy" whereby a city is required to sign a written agreement indicating that they will absorb the maintenance costs which the State is required to pay in order for the city to obtain the traffic control project. This proposal is always presented by the department of highways as a take it or leave it basis. If the city objects to the agreement provisions concerning maintenance costs the highway department threatens to withdraw the project. House Bill 380 amends section 60-2-204, M.C.A., 1979 pertaining to maintenance agreements with local government so that it clarifies the department of highways responsibilities with respect to these maintenance agreements. House Bill 380 adds nothing to the law, but merely clarifies the law. I urge you support House Bill 380.

He went on to say the Department of Highways has for years adhered to a "departmental policy" that if a city wants a traffic-control device such as a traffic-control signal installed on a state highway route within a municipality, the City must agree to pay the maintenance costs of the traffic-control signal before the highway department will install it. Another example of an application of the department of highways "departmental policy" is a project wherein it is proposed that a state highway route be widened from two lanes to four lanes. Before the department of highways will install the particular project they require the City to agree to maintain the traffic-control devices within their right-of-way at intersections entering the project area. This "departmental policy" appears to be directly in conflict with the above-mentioned provisions of state law.

The 1977 Legislature enacted Section 60-2-204, M.C.A., 1979, pertaining to maintenance agreements with local government. HB 380 is intended to amend Section 60-2-204, M.C.A., 1979, in order to clarify this law so that it is consistent with and clearly reflects the Department of Highways' responsibilities as established by 60-2-210(1) and 60-1-103 (20), supra. The City of Missoula urges your enactment of HB 380.

Chairman Etchart asked if there were any other proponents.

Tom Crowley, City Engineer, Missoula, Montana told the committee he supported the proposed legislation and gave the following comments:

The Cities and the Highway Department are at an impasse regarding financing maintenance of traffic control devices on State Highway Department routes. (He gave the committee Exhibit "B", with attached correspondence to view at a later time.) The attached correspondence on Exhibit "B" from the Highway Department recommends initiating legislation to finance the cost.

As general information, it costs approximately \$1,000 per year to pay for the operation and maintenance of a traffic signal. Attached correspondence indicates that the cost to the City of Missoula to maintain traffic signals in 1976 was approximately \$22,000. A rough estimate of both signal and sign maintenance in 1979 is from \$30,000 to \$50,000 per year, and more signals are being added each year.

Current State laws state that the Highway Department shall pay for operation and maintenance. But, due to budget restrictions the Highway Department has adopted a policy that Cities shall pay for this maintenance, if they desire new or reconstructed signal systems. Outside the City limits the Highway Department pays for the maintenance.

The question also arises as to the definition of maintenance. (1). Who pays, if uninsured motorist hits a signal and does substantial damage? (2). How can the electronic loops in the pavement be maintained if the pavement settles and makes the loop inoperative? The Highway Department is supposed to maintain the pavement surface.

The City's insurance carrier is concerned over the City's liability to maintain traffic signals. Our premiums are extremely high.

I support the highway department's position that the City is in a better position to maintain the signals because of quick response and located close to the problem. I also support the need for needed financing. It is not the City's fault that the Highway Department does not have adequate budgeting. I am going on record to indicate that the City cannot absorb the maintenance cost.

I respectfully request that this issue be reviewed and the inequity be removed that the City can receive a signal or other highway project, only if the City agrees to pay for the maintenance. Realizing that funding by the Highway Department is a problem, I would support an appropriation measure such as a gas tax maintenance bill, or as a separate measure, or as an amendment to this piece of legislation. He also introduced Exhibit "C", for the information of the committee.

Chairman Etchart asked if there were any other proponents.

Jim Jensen, Riverfront Neighborhood Association, Missoula Montana said their association endorses this bill. They feel life threatening situations are going unremedied throughout the State of Montana. The Association hopes the committee will support this bill.

Chairman Etchart asked if there were any other proponents. There were none. He asked if there were any opponents.

Jim Beck, Department of Highways, introduced Exhibit "D". He told the committee the department neither supports or opposes this bill. The \$1,000 figure to maintain the traffic control devices is correct. You can imagine the cost to the State of Montana if this bill passes. We are amending a budget to take care of this, should it pass. The department is willing to accept duty and responsibility to maintain electric signals, but do not think we should maintain every stop sign. We could support this bill with the following changes:

1. Strike Line 25, page 1
  2. Strike Line 1, page 2
- Insert the following language after the word "devices" on Line 25 of Page 1: "on state maintained highway routes except those regulatory signs located on streets and alleys which intersect state maintained highway routes."

Chairman Etchart asked if there were any other opponents. There were none. He asked if the committee had questions.

Senator Graham asked for further explanation of the "agreements".

Representative Kemmis said the highway department has the responsibility to maintain and operate. The agreements that are mentioned here are simply agreements whereby the state asks the city's to maintain and the state will reimburse them later. The question of who is going to pay for it is not negotiable under the existing law.

Senator Graham inquired about city's who decide they want more traffic lights.

Representative Kemmis told him the municipalities cannot force the state to put in traffic control devices. If the state does not want to do it, it will not be done. He told the committee the existing statute makes the highway department responsible. At present, this could be enforced in court. This bill is to make clear what responsibility they would have. He stated he would not accept the amendment as it is.

There being no further questions, the hearing was closed on House Bill 380

CONSIDERATION OF HOUSE BILL 708: Representative Paul G. Pistoria, District 39, Chief Sponsor of House Bill 708, gave each committee member Exhibit "E". This is an act requiring motor vehicle liability protection on motor vehicles as a condition of operation of these vehicles upon the highways or other premises open to use by the public; amending sections 61-6-123 and 61-6-142, M.C.A. It is a compulsory liability insurance bill. I feel it has been needed for some time. 40% of the cars in Montana are uninsured. In the past year I discovered that the State of Idaho had a law for compulsory liability insurance and it was simple in scope and easy to enforce. A copy of that law is in Exhibit "E". This bill is exactly the Idaho Law. On Page 1, line 23 and 24, the Department of Motor Vehicles is involved. On Page 2, line 16, the application will be made to the county treasurer.

He told the committee the automobile liability insurance, historically, was developed, not primarily as a means of compensating victims, but as a means of protecting owners and drivers from financial loss resulting from the legal liability due to the negligent operation of their automobile. Much of the criticism of automobile liability insurance today stems from a fundamental misconception of what the liability section of the automobile insurance policy is designed to accomplish. To repeat, the automobile liability policy was never designed to protect the injured party, but rather to insulate the owner and operator from legal liability claims, valid or otherwise, arising out of the operating of his automobile.

The active interest in compulsory automobile liability insurance today arises out of the misconception that automobile liability insurance is automatically to pay for injuries or damages resulting from an automobile accident. It just doesn't work that way. First of all, an accident has to be reported to the company and the circumstances investigated. In very few cases is the legal liability of the people involved clear and absolute. This often brings into play the controversial comparative negligence statute. Ultimately, in the more serious cases, where parties cannot agree, a lawyer is involved and possibly a suit is filed. Until agreed settlement is reached or a judgment awarded, the case is not concluded, and there could be appeals. All of this is time consuming, expensive, and, but in few cases, results in complete satisfaction to the claimant. To make matters worse, many claims are relatively small and involve damage to the claimant's automobile with repair costs coming below his collision deductible if there is collision coverage. Though most frustrating, economically, it is often impractical to pursue these cases through the courts.

All of this, then simply points up the fact that, even with 100% compliance under a compulsory automobile liability insurance statute, many claimants will not receive full or even partial payment for their loss. At the same time, for the insured, the automobile liability policy is doing just exactly what has been contractually agreed upon and for which a specified premium has been paid.

Representative Pistoria then brought attention to the forms attached to the back of Exhibit "E". One form the State of Idaho uses and one form insurance companies use. These are just

samples. I feel this is a simple law. It has worked in the State of Idaho. I think it is needed in the State of Montana. It might lower the cost of insurance premiums. We are now paying for those people who are not insured. I have discussed this bill with the highway patrol and they have no problems with the bill. There have been other compulsory liability insurance bills introduced to the State. If the State is going to introduce one that would be too strict, they would have to put on an additional five or six patrolmen. I feel the state of Montana is not ready for this. I feel the bill I am presenting today will do the right job and still be something that Montana has needed for some time. I feel it will not be a burden to the people in Montana.

Senator Etchart asked if there were any other proponents to House Bill 708.

Larry Huss, Montana Motor Carriers Association, said the association reviewed House Bill 708 and is in whole-hearted concurrence with the bill and recommends it do pass.

Chairman Etchart asked if there were any other proponents.

Boyce Clark, representing the Independent Insurance Agents of Montana said from our observations, we believe your constituents want some form of mandatory or compulsory auto liability insurance legislation. In bills previously proposed, there has always been a staggering fiscal note and the prospect of a paper shuffling nightmare.

He said this bill, patterned after one in use in Idaho, is self enforcing, uncomplicated and can be implemented with very little cost. It is looked upon as a practical approach to the problem in Montana by the Montana Highway Patrol. It probably isn't perfect, but it looks like a mighty good way to start on this thorny problem.

Chairman Etchart asked if there were any other proponents.

Jim Manion, Montana Automobile Association, told the committee their membership of 5,300 is ready for such legislation. This bill was very workable in Idaho and as a result has caused Idaho to have the largest percentage of insured people.

Chairman Etchart asked if there were any other proponents.

Rita Theisen, Montana Insurance Department, told the committee they have no problems with the bill and remain neutral.

Larry Majerus, Division of Motor Vehicles, Legal Division, said they support this bill and would be happy to answer any questions concerning it.

Chairman Etchart asked if there were any other proponents.

Bud Garrick, Montana Highway Patrol, told the committee the Highway Patrol has no position on this bill, but would be happy to answer any questions the committee might have.

Chairman Etchart asked if there were any opponents to House Bill 708. There were none. He asked if the committee had any questions.

Senator Hazelbaker asked Boyce Clark if he had done any research on the compulsory liability insurance in the State of Massachusetts where they have had this for a long time.

Mr. Clark said he had not done any research in that area.

Senator Kolstad asked Larry Majerus what kind of proof a person would have to have about his insurance.

Larry Majerus said he would have to certify to the county treasurer only.

Senator Kolstad asked if the man lied, would there be any penalty.

Mr. Majerus said yes, there would be revocation at that time, but it might be difficult to prove.

Senator Kolstad asked if Idaho operates under a no penalty clause.

Mr. Clark said it simply says that when a fellow signs application for license, that he has and will maintain insurance. Then, if he doesn't do it, it is a misdemeanor of \$500 or 6 months in jail.

Senator Healy asked if the Highway Patrol stopped a man for speeding ticket, would they check or ask for proof of insurance at that time.

Mr. Majerus said they would only ask for proof of insurance if the person was involved in an accident. I don't mean to create the idea that we are going to actively enforce and look for people who don't have insurance. We would make the inquiry if they have an accident. We would not make the inquiry on a regular stop.

Senator Graham asked Mr. Clark about the problem driver, who maybe cannot get insurance.

Mr. Clark said this is an underwriting problem. There is available to those who are problem drivers policies by special carriers who take these type of people.

Senator Kolstad asked what kind of burden this will be to the State of Montana and the people on the welfare rolls.

Mr. Clark said it was his understanding that the Welfare Department would work it into the people's budget to include those charges. He stated he has had occasions to place insurance for welfare people on homes. I am not sure if this would apply to car insurance.

Mr. Ashley was present, and stated he drafted the bill and would be available for questions.

There being no further questions the hearing was closed on House Bill 708.

CONSIDERATION OF HOUSE BILL 404: Representative Walter Sales, District 79, said this is an act to amend section 7-14-2201, M.C.A. providing that counties are required to maintain only public bridges located in towns or cities or on maintained county roads. He said, although the county is not responsible for maintaining the roads, such as logging roads, but they are responsible for maintaining the bridges on these roads. This law changes that, so they will be responsible for maintaining only those bridges in the cities and towns and the county roads that are always maintained.

Senator Etchart asked about the fiscal impact of this, if this did not pass.

Representative Sales said it would become a major cost. They discovered that Gallatin County has several hundred bridges that could be so classified.

There being no other proponents, opponents or questions, the hearing was closed on House Bill 404.

CONSIDERATION OF HOUSE BILL 574: Representative Day, District 54, chief sponsor of HB 574, said this is an act to amend section 61-4-102, M.C.A., to raise the motor vehicle dealer registration fee to \$45. This bill raises the motor vehicle dealer registration fee from \$30 to \$45. The \$30 fee has been in effect since 1947. This bill was requested by the Department of Justice.

Chairman Etchart asked if there were any other proponents.

Larry Majerus, Division of Motor Vehicles, Legal Division, said the department requested this bill because after doing a study, they discovered the money they received was not covering the cost. Included in this fee, the department keeps reports, renews licenses and investigates complaints. We try to keep it small. I think these are minimal costs that will assist the program.

Chairman Etchart asked if there were any other proponents.

Jerry Raunig, Montana Automobile Dealers Association, told the committee, as all of you know, we work closely with the Department. We have no objection to the increase.



ACTION ON HOUSE BILL 67: Since Senator Hager had to leave the meeting early, action on House Bill 67 was postponed. Senator Hager had requested that this bill be held until he could investigate it further.

ACTION ON HOUSE BILL 513: Senator Etchart told the committee he had had a question on the bonding. He had talked with Representative Vincent and was assured that overall state bonding would take care of it.

Senator Healy made the motion that House Bill 513 be concurred in. The committee voted unanimously that House Bill 513 Be Concurred In. The motion carried. Senator Healy will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL 544: Shaun Simon, Legislative Council reported to the committee she had spoke with a few people on this legislation. I talked with Larry Majerus to find out under what conditions you get your license revoked. I found out that after you get three DWI's, you get your license revoked for one year. After you are a habitual offender, you get your license revoked for three years. I tried to find court cases to find out how many people who get their licenses revoked and then get admitted into the program. Since the cases are not recorded, this was not possible. Today, I spoke with Judge Langen. He seems to follow the law strickly. He simply does not give the license back until they serve their time. If they join a program, such as the one in Glasgow, and complete it, he will then hold another court action, and they may get a restricted license. As far as he is concerned the law is fine as it is now. He is happy with the way the law stands at the present time. He seems to think the JP's get some of these cases. The Legislation is not necessary for him. So, the outcome of this depends on the committee's feelings and philosophy.

Senatory Hazelbaker made the motion that House Bill 544 Be Concurred In. The committee voted unanimously that House Bill 544 Be Concurred In. The Motion carried. Senator Hazelbaker will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 380: The committee asked some further questions of Tom Crowley, from Missoula. Mr. Crowley told the committee, if the bill passes as amended, it would and could cost a lot of money to the cities and municipalities.

Senator Healy told the committee he is opposed to the amendments. He stated the amendments are ridiculous and would cost a lot of money.

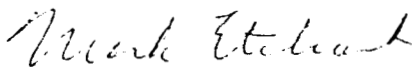
Senator Kolstad made the motion that House Bill 380 Be Concurred In. The committee voted unanimously that House Bill 380 Be Concurred In. The motion carried. Senator Kolstad will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 404: Senator Graham made the motion that House Bill 404 Be Concurred In. The committee voted unanimously that House Bill 404 be concurred in. The motion carried. Senator Graham will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 574: Senator Kolstad made the motion that House Bill 574 Be Concurred In. The committee voted unanimously that House Bill 574 Be Concurred In. The motion carried. Senator Kolstad will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 708: Chairman Etchart requested that the committee hold House Bill 708 over until the next meeting to give him time to study the legislation further.

There being no further business the meeting adjourned. The next meeting of the Committee on Highways and Transportation will be on March 8, 1979, at 1:00 P.M. in Room 410 of the State Capitol Building.

  
\_\_\_\_\_  
SENATOR MARK ETCHART, CHAIRMAN

3-6-79

Кирпича

## VISITORS' REGISTER

[illegible]

(Please leave blank)

3-6-79

ROLL CALL

Highways COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	Late ✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning			
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

NAME: Tim Nugent Missionary Athol DATE: 3/6/12

ADDRESS: 201 W Spruce Missoula Montana

PHONE: 711-4700 ext 213

REPRESENTING WHOM? City of Missoula

APPEARING ON WHICH PROPOSAL: HF 350

DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Please see Attached letter  
Section 101-2610-4-12 approved as is for Department of Health

She is the daughter of a Captain in the Army of Great Britain who

as stated on page 1 of the original complaint, Plaintiff is the

1. Sept. 10-1-103/31 Aug. 1903. The Department of Agriculture.

has given the impression of "a good deal of a ..."

whereby a city is required to make a written agreement with the State of Illinois

instances in which the State is required to provide for the education of

the 'little sister' project. This project has been a success story of

take a look at how I feel about it

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\_\_\_\_\_

Suppose that  $\mathcal{A}$  is a subalgebra of  $\mathcal{B}$  and  $\mathcal{C}$  is a subalgebra of  $\mathcal{A}$ .

\_\_\_\_\_

1. The first step in the process of the scientific method is to ask a question.

NAME: Tom Crowley DATE: March 6, 1979

ADDRESS: 201 West Spruce Street

PHONE: 721-4700 ext 221

REPRESENTING WHOM? City of Missoula

APPEARING ON WHICH PROPOSAL: HB 380

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Testimony is Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W. Boyce Clarke DATE: 3/6/79

ADDRESS: 3124 Vigilante Drive - Helena

PHONE: 442 6778

REPRESENTING WHOM? Ind. Ins Agent of Montana

APPEARING ON WHICH PROPOSAL: HR 708

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: By per testimony furnished.

Mr. Melby and Mr. Deke representing their company associations  
concur. - These men are appearing in other conflicting Hearings. -

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

6 Mar 79

Mr. Chairman, and members of the Committee:

For the record, I am Boyce Clarke, representing Independent Insurance Agents of Montana.

From our observations, we believe your constituents want some form of mandatory or compulsory auto liability insurance legislation. In bills previously proposed, there has always been a staggering fiscal note and the prospect of a paper shuffling nightmare.

This bill, patterned after one in use in Idaho, is self enforcing, uncomplicated and can be implemented with very little cost. It is looked upon as a practical approach to the problem in Montana by the Montana Highway Patrol. It probably isn't perfect, but it looks like a mighty good way to start on this thorny problem.

Thank you.

A handwritten signature in cursive script, appearing to read "Boyce Clarke".



NAME: LIM MANION DATE: 3/6/79

ADDRESS: 607 N. LARSON

PHONE: 442-5720

REPRESENTING WHOM? MONTANA AUTOMOBILE ASSOCIATION

APPEARING ON WHICH PROPOSAL: HB 708

DO YOU: SUPPORT? Y AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Larry Maywin DATE: 3-6-79

ADDRESS: \_\_\_\_\_

PHONE: 3800

REPRESENTING WHOM? Motor Vehicle

APPEARING ON WHICH PROPOSAL: 514 / 108

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LARRY HOS DATE: 3/6/79

ADDRESS: 107 7th

PHONE: 442-8070

REPRESENTING WHOM? Montana Motor Carriers Assoc

APPEARING ON WHICH PROPOSAL: HC 728

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENTS:       

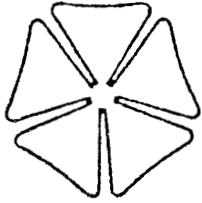
      

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.





THE GARDEN CITY  
HUB OF FIVE VALLEYS

"A"

# Missoula, Montana 59801

January 31, 1979

Office of City Attorney  
201 W. Spruce St.  
Phone ~~236-2112~~  
721-4700

Dear Legislators:

Section 60-2-210(1), M.C.A., 1979, expressly provides that "the department of highways shall pay the entire costs of construction and maintenance of streets and highways which:

"(a) are state highway routes; and

(b) are within municipalities incorporated prior to January 1, 1965."

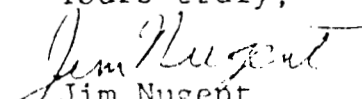
Maintenance is defined in Section 60-1-103(20), M.C.A., 1979, as follows:

" 'Maintenance' - preservation of the entire highway, including surface shoulders, road-sides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization."

The Department of Highways has for years adhered to a "departmental policy" that if a city wants a traffic-control device such as a traffic-control signal installed on a state highway route within a municipality, the City must agree to pay the maintenance costs of the traffic-control signal before the Highway Department will install it. Another example of an application of the Department of Highways "departmental policy" is a project wherein it is proposed that a state highway route be widened from two lanes to four lanes. Before the Department of Highways will install the particular project they require the City to agree to maintain the traffic-control devices within their right-of-way at intersections entering the project area. This "departmental policy" appears to be directly in conflict with the above-mentioned provisions of state law.

The 1977 Legislature enacted Section 60-2-204, M.C.A., 1979, pertaining to maintenance agreements with local government. HB 380 is intended to amend Section 60-2-204, M.C.A., 1979, in order to clarify this law so that it is consistent with and clearly reflects the Department of Highways' responsibilities as established by 60-2-210(1) and 60-1-103(20), supra. The City of Missoula urges your enactment of HB 380.

Yours truly,

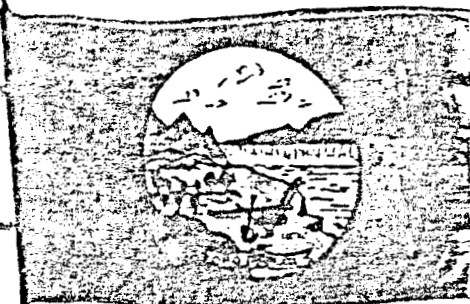
  
Jim Nugent  
City Attorney

JN/jd

"B"

TESTIMONY FROM TOM CROWLEY, CITY ENGINEER, MISSOULA, MONTANA:

1. I support the proposed legislation.
2. The following comments are offered in support of the proposed legislation:
  - a. The Cities and the Highway Department are at an impasse regarding financing maintenance of traffic control devices on State Highway Department routes. Attached correspondence from the Highway Department recommends initiating legislation to finance the cost.
  - b. As general information, it costs approximately \$1000 per year to pay for the operation and maintenance of a traffic signal. Attached correspondence indicates that the cost to the City of Missoula to maintain traffic signals in 1976 was approximately \$22,000. A rough estimate of both signal and sign maintenance in 1979 is from \$30,000 to \$50,000 per year, and more signals are being added each year.
  - c. Current State laws state that the Highway Department shall pay for operation and maintenance. But, due to budget restrictions the Highway Department has adopted a policy that Cities shall pay for this maintenance, if they desire new or reconstructed signal systems. Outside the City limits the Highway Department pays for the maintenance.
  - d. Question also arises as to the definition of maintenance.
    1. Who pays, if uninsured motorist hits a signal and does substantial damage?



STATE OF MONTANA  
DEPARTMENT OF HIGHWAY

Missoula, Montana  
March 2, 1979

Projects M-8107(1),  
M-8114(1), M-8107(5),  
BWD-1899(5), & F 7-2  
in Missoula

Mr. Thomas N. Crowley  
City Engineer/Director of Public Works  
201 W. Spruce  
Missoula, Montana 59801

Dear Mr. Crowley:

We are attaching Memorandums of Understanding for various projects in the City of Missoula. Please have each memorandum completed, signed, and attested to at your earliest convenience.

If you have any questions or require additional information please call.

Very truly yours,

*Ben C. Miller*  
BEN C. MILLER, SUPERVISOR  
DIVISION CONSTRUCTION SECTION

BCM: WSS: cdj

cc: Division File

Proposed Amendments  
To H.B. 380

Jim Beck "JD"

1. Strike L. 25 p. 1

2. strike L. 1 p. 2

Insert the following language after the word "devices" on L. 25 of p. 1.

"on state maintained highway routes  
up to any regulatory signs located  
on streets and alleys which intersect  
state maintained highway routes."



COMPULSORY  
LIABILITY  
INSURANCE

STATE OF MONTANA  
HOUSE OF REPRESENTATIVES

1979

Date:

2/22/79

HB 708 PASSED

3RD RDG.

(97-0)

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Pistoria

02 22 79

H.B. 708

VOTE TABULATION

READING

HB708

Passed

97-0

CALL

MOTION

97 AYE

00 NAY

04 ABSENT

Y	Anderson, Robert Lewis (R)	Y	Hayne, Harriet (R)	Y	Pavlovich, Robert J. "Bob" (D)
Y	Azzara, James (D)	Y	Hemstad, Andrea "Andy" (R)	Y	Pistoria, Paul G. (D)
Y	Baeth, William R. (Bill) (D)	Y	Hirsch, Les J. (D)	Y	Porter, Howard C. (R)
Y	Bardanouve, Francis (D)	Y	Holmes, Polly (D)	Y	Quilici, Joe (D)
Y	Bengtson, Esther G. (D)	Y	Huennekens, Herb (D)	Y	Ramirez, Jack (R)
Y	Bennett, W. F. (R)	Y	Hurwitz, Burt L. (R)	Y	Reichert, Arlyne (D)
Y	Bertelsen, Verner L. (R)	Y	Iverson, Dennis (R)	Y	Robbins, Hershel M. (D)
Y	Brand, Joe (D)	Y	Jensen, William Ray (R)	Y	Robbins, Ken (D)
Y	Burnett, James H. "Jim" (R)	Y	Johnson, Vicki (D)	Y	Rosenthal, Jonas H. (D)
Y	Conroy, Thomas R. (D)	Y	Johnston, George R. (D)	Y	Roth, Audrey (R)
Y	Cooney, Mike (D)	Y	Kanduch, Joe F., Sr. (D)	Y	Sales, Walter R. (R)
Y	Curtiss, Aubyn A. (R)	Y	Keedy, Michael H. (D)	Y	Schultz, James M. (R)
Y	Daily, Fred (Fritz) (D)	Y	Kemmis, Daniel (D)	Y	Scully, John P. (D)
Y	Dassinger, E. N. (Ernie) (D)	Y	Kessler, Gerald R. (D)	Y	Seifert, Carl A. (R)
Y	Day, William M. (Willie) (D)	Y	Keyser, Kerry (R)	Y	Shelden, Arthur H. (Art) (D)
Y	Donaldson, Eugene C. (Gene) (R)	Y	Kropp, Paul K. (R)	Y	Sivertsen, Robert (R)
Y	Dozier, Robert (D)	Y	Kvaalen, Oscar S. (R)	Y	Smith, Carl M. (R)
Y	Dussault, Ann Mary (D)	Y	Lien, Edward (D)	Y	South, Carroll V. (D)
A	Ellerd, Robert A. (R)	Y	Lory, Earl C. (R)	Y	Spilker, Barbara J. (Bobby) (R)
Y	Ellis, Howard L. (R)	Y	Lund, Art (R)	Y	Staigmiller, John B. (D)
Y	Ellison, Orval S. (R)	Y	McBride, Kathleen (D)	Y	Stobie, Chris H. (R)
Y	Ernst, Gene N. (R)	Y	Magone, Joseph M. (D)	Y	Teague, Wes (D)
Y	Eudaily, Ralph S. (R)	Y	Manning, Richard E. (D)	Y	Thoft, Bob (R)
Y	Fabrega, Jay (R)	Y	Manuel, Rex (D)	Y	Tropila, Joe (D)
Y	Fagg, Harrison G. (R)	Y	Marks, Robert L. (Bob) (R)	Y	Uhde, Jack Brian (D)
Y	Feda, G. C. "Jerry" (R)	Y	Menahan, William (Red) (D)	Y	Underdal, Melvin (R)
Y	Frates, Gene (D)	Y	Metcalf, Jerry (D)	Y	Vincent, John (D)
Y	Gerke, Harold E. (D)	Y	Meyer, Darryl (R)	Y	Vinger, Orren C. (R)
Y	Gesek, Patricia E. (D)	Y	Moore, Jack K. (R)	Y	Waldron, Steve (D)
Y	Gilligan, Peter J., Jr. (D)	Y	Nathe, Dennis G. (R)	Y	Williams, J. Melvin "Mel" (D)
Y	Gould, R. Budd (R)	Y	Nordtvedt, Kenneth L., Jr. (R)	Y	Wood, L. E. (Gene) (R)
Y	Hand, Bill (D)	Y	Oberg, Danny (D)	Y	Wyrick, Harold A. (R)
Y	Harper, Hal (D)	Y	O'Connell, Helen G. (D)	Y	Yardley, Dan (D)
Y	Harrington, Dan W. (D)				Mr. Speaker

27

EXPLANATION OF COMPULSORY AUTO INSURANCE BILL

SECTION (I) SECTION ONE — THIS IS A SECTION SIMILAR TO ONE WHICH APPEARS IN  
IDAHO COMPULSORY AUTO ~~INS~~ INSURANCE BILL.

(1) — FIRST SUBSECTION REQUIRES ANY AUTO OWNER IN MONTANA TO CONTINUOUSLY  
PROVIDE INSURANCE ON HIS VEHICLE FOR BODILY INJURY, DEATH OR DAMAGE TO  
PROPERTY. IT SETS OUT THE STATUTORY DEFINITION OF MOTOR VEHICLE IN  
LINE WITH THE CODES, SETS THE INSURANCE LIMITS IN LINE XX WITH THE CODES  
AND PROVIDES FOR SELF-INSURANCE AS PROVIDED FOR IN THE CODES.

(2) — SECOND SUBSECTION ALLOWS SOMEONE WHO WISHES TO TO POST AN INDEMNITY  
BOND WITH THE DIRECTOR OF INSURANCE RATHER THAN HAVING INSURANCE. SUCH A  
BOND IS DESIGNED TO GUARANTEE PAYMENT OF DAMAGES WITHIN THIRTY DAYS AND  
WITHIN THE LIMITS SET OUT IN THE CODES.

(3) — THIRD SUBSECTION SAYS THE BOND ~~RE~~ PROVIDED FOR IN THE SECOND SUB-  
SECTION IS CONTINUING THROUGHOUT THE PERIOD DURING WHICH THE VEHICLE IS  
REGISTERED AND THAT THAT SUCH BOND SHALL BE ON A FORM APPROVED BY THE  
COMMISSIONER AND TAKEN OUT WITH A SURETY COMPANY AUTHORIZED TO DO  
BUSINESS IN MONTANA.

SECTION (II) SECTION TWO:

THIS IS THE SECTION THAT SETS UP THE METHOD BY WHICH COMPLIANCE WITH  
THE LAW IS SHOWN.

(1) SUBSECTION ONE REQUIRES ONE DESIRING TO REGISTER HIS VEHICLE TO  
~~REX~~ CERTIFY THE EXISTENCE OF THE INSURANCE AND ALLOWS THE DIVISION OF  
MOTOR VEHICLES TO CANCEL ANY REGISTRATION AND LICENSE PROCURED THROUGH  
THE USE OF MISREPRESENTATION. THIS SECTION PUTS THE BURDEN OF PROOF OF  
INSURANCE ON THE ONE ~~WHICH~~ OWNING THE CAR. IT IS HE WHO MUST PRESENT  
THE CERTIFICATION TO THE CLERK OF COURT AND ~~TX~~ THIS REMOVES MUCH OF THE  
~~REX~~ PAPERWORK REQUIRED BY SIMILAR LAWS ELSEWHERE.

(2) SUBSECTION TWO REQUIRES AN OWNER OF A VEHICLE UPON WHICH THE  
INSURANCE HAS LAPSED TO SURRENDER HIS REGISTRATION AND LICENSE PLATES.

SECTION (III) SECTION THREE:

THIS SECTION EXEMPTS CERTAIN VEHICLES FROM THE COMPULSORY AUTO  
INSURANCE PROVISION. EXEMPTED VEHICLES INCLUDE: THOSE OWNED BY ANY  
~~GRAXEM~~ BRANCH OF GOVERNMENT: VEHICLES THAT HAVE HAD BONDS POSTED WITH THE  
DIVISION AS PROVIDED IN SECTION ONE: SELF INSURED VEHICLES AS PROVIDED  
FOR BY THE CODES: FARM EQUIPMENT AND OTHER SUCH EQUIPMENT WHICH IS ONLY  
RARELY USED ON THE ROADS: VEHICLES WHICH ARE ONLY OPERATED ON ~~RARE~~ RARE  
OCCASIONS TO CROSS THE HIGHWAYS AND ARE GENERALLY OPERATED OFF THE ROAD:

Redd MON - JAN, 27  
"E" 1977

AUTOMOBILE LIABILITY  
INSURANCE

Automobile liability insurance, historically, was developed, not primarily as a means of compensating victims, BUT AS A MEANS OF PROTECTING OWNER DRIVERS FROM FINANCIAL LOSS RESULTING FROM THE LEGAL LIABILITY DUE TO NEGLIGENT OPERATION OF THEIR AUTOMOBILE. Much of the criticism of automobile liability insurance today stems from a fundamental misconception of what the liability section of the automobile insurance policy is designed to accomplish. To repeat, the automobile liability policy was never designed to protect the injured party, but rather to insulate the owner and operator from legal liability claims, valid or otherwise, arising out of the operation of his automobile.

The active interest in compulsory automobile liability insurance today arises out of the misconception that automobile liability insurance automatically to pay for injuries or damages resulting from an automobile accident. It just doesn't work that way. First of all, an accident has to be reported to the company and the circumstances investigated. In very few cases is the legal liability of the people involved clear and absolute. This often brings into play the controversial comparative negligence statute. Ultimately, in the more serious cases, where parties cannot agree, a lawyer is involved and possibly a suit is filed. Until an agreed settlement is reached or a judgment awarded, the case is not concluded, and there could be appeals. All of this is time consuming, expensive and, but in few cases, results in complete satisfaction to the claimant. To make matters worse, many claims are relatively small and involve damage to the claimant's automobile with repair costs coming below his collision deductible if there is collision coverage. Though

... or self-insurance pursuant to section 49-1534, Idaho Code, or has previously posted an indemnity bond with the director of insurance as provided by section 49-233, Idaho Code. A violation of this section shall be a misdemeanor.

- V. 49-111, Idaho Code--REGISTRATION CARDS. (c) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.
- VI. 49-112, Idaho Code--REGISTRATION CARD TO BE CARRIED. The registration card issued for a vehicle required to be registered hereunder shall at all times while the vehicle is being operated upon a highway within this state be in the possession of the operator or chauffeur thereof or carried in the vehicle and subject to inspection by any peace officer.

*Paul A. Schutte*

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of boats shall be credited  
of such county; and (2)  
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heriff, or be placed in the  
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be used to train personnel  
5, § 5, p. 79; am. 1957, ch.  
; am. 1977, ch. 122, § 1, p.

Appointment — Duties.  
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13; am. 1969, ch. 210, § 2,

plates.—Any active mem-  
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Individual's discharge from  
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Special plates may still be  
Idaho national guard will  
a. 61, § 2, p. 242; am. 1974,

registration expires—Re-  
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pecially registered under

amend law enacted  
STATE IDAHO

this act, the registration shall expire but the member may hold his  
special number plates which he may have reissued to him upon the pay-  
ment of the required transfer fees. He may only display such plates  
after receipt of new registration from the director. [1963, ch. 61, § 3,  
p. 242; am. 1974, ch. 27, § 105, p. 811.]

49-231. Personalized license plates.—Any person who is the regis-  
tered owner of a motor vehicle may apply for personalized license  
plates in lieu of regular numbered plates. In addition to the regular  
registration fee, the applicant shall be charged a fee of twenty-five  
dollars (\$25) for the initial issuance of such plates, and twenty-five  
dollars (\$25) upon each succeeding annual registration of the vehicle.  
The personalized license plates shall be of the same color and design  
as other license plates, and shall consist of numbers or letters, or any  
combination thereof, not exceeding six (6) positions. No more than  
one (1) particular combination of letters and numbers shall be in exist-  
ence at any one (1) time. The form for application of such plates will  
be as prescribed by the department of law enforcement, and the di-  
rector may refuse to issue such plates in his discretion. The additional  
fee prescribed by this section shall be deposited to the credit of the  
highway fund of the state treasury and shall be used for highway  
beatification purposes as prescribed in chapter 28, title 40, Idaho Code.

When personalized license plates are issued for a motor vehicle, regular  
numbered plates on such vehicle must be surrendered to the depart-  
ment of law enforcement. Personalized license plates must also be  
surrendered upon failure to pay the annual fee for personalized license  
plates. [I. C., § 49-231, as added by 1972, ch. 288, § 1, p. 724; am. 1974,  
ch. 27, § 106, p. 811.]

Compiler's notes. Section 2 of S. L.  
1972, ch. 288 provided the act should  
take effect on and after July 1, 1972.

Section 196 of S. L. 1974, ch. 27 pro-  
vided the act should take effect on and  
after July 1, 1974.

Section 107 of S. L. 1974, ch. 27 is  
compiled as § 49-306.

START

49-232. Certificate of liability insurance — Definitions.—For the  
purposes of this act, the term "motor vehicle" is any self-propelled  
vehicle required to be registered for use on the public roads or highways  
under the laws of the state of Idaho except those vehicles required  
to be licensed under section 49-127, Idaho Code. [I. C., § 49-232, as  
added by 1976, ch. 247, § 2, p. 848.]

Compiler's notes. Former sections 49-  
232—49-237 which comprised S. L. 1975,  
ch. 158, § 1, were repealed by S. L.  
1976, ch. 247, § 1.

As enacted the section heading of this  
section read "Definitions."

Sec. to sec. ref. This section is re-  
ferred to in § 49-234.

The words "this act" refer to S. L.  
1976, ch. 247, §§ 2-5, which is compiled  
herein as §§ 49-232—49-235.

49-233. Required motor vehicle insurance.—(a) Every owner of a  
motor vehicle which is registered and operated in Idaho by the owner  
or with his permission shall continuously provide insurance against  
loss resulting from liability imposed by law for bodily injury or death  
or damage to property suffered by any person caused by maintenance  
or use of a motor vehicle or motor vehicles described therein in an  
amount not less than that required by section 49-1521, Idaho Code,  
and shall demonstrate the existence of any other coverage required  
by title 49, Idaho Code, or a certificate of self-insurance issued by  
the director of law enforcement pursuant to section 49-1534, Idaho  
Code, for each motor vehicle to be registered.

*Start compile IDAHO LAW. when the  
IDAHO CODES appeared I had them  
Replied to correspond with the present*

ways to be maintained and of boats shall be credited of such county; and (2) at the sole discretion of set aside for search and sheriff, or be placed in the set aside for search and wire and maintain special be used to train personnel 55, § 5, p. 79; am. 1957, ch. 113; am. 1977, ch. 122, § 1, p.

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When personalized license plates are issued for a motor vehicle, regular numbered plates on such vehicle must be surrendered to the department of law enforcement. Personalized license plates must also be surrendered upon failure to pay the annual fee for personalized license plates. [I. C., § 49-231, as added by 1972, ch. 238, § 1, p. 724; am. 1974, ch. 27, § 106, p. 811.]

Compiler's notes. Section 2 of S. L. 1972, ch. 238 provided the act should take effect on and after July 1, 1972.

Section 107 of S. L. 1974, ch. 27 is compiled as § 49-306.

Section 196 of S. L. 1974, ch. 27 provided the act should take effect on and after July 1, 1974.

49-232. Certificate of liability insurance — Definitions. — For the purposes of this act, the term "motor vehicle" is any self-propelled vehicle required to be registered for use on the public roads or highways under the laws of the state of Idaho except those vehicles required to be licensed under section 49-127, Idaho Code. [I. C., § 49-232, as added by 1976, ch. 247, § 2, p. 848.]

Compiler's notes. Former sections 49-232—49-237 which comprised S. L. 1975, ch. 158, § 1, were repealed by S. L. 1976, ch. 247, § 1.

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HB 708.

"F" 10 Copies

I support HB 708. I sponsored HB 262 which was mandatory insurance on all licensed motor vehicles. It was a more effective bill, in my opinion, but it had insurance company opposition and \$500,000.

fiscal note from the Justice Dept. for enforcement.

We therefore kept it in committee and let HB 708 be introduced. It did not have the opposition, or fiscal impact. Information I had obtained was 378,000 uninsured vehicles on our Montana highways. This is a frightening figure. Montanans are demanding this law.

If we need more enforcement in the future, we will have a law to work with. I urge a Do Pass on HB 708.

Pat Teich

SENATE COMMITTEE Highways & Transportation

Date 3-6-79 House Bill No. 380 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Fawcett  
Secretary

Mark Etchart  
Chairman

Motion: By Consensus

(include enough information on motion--put with yellow copy of committee report.)



# STANDING COMMITTEE REPORT

March 6

1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 330

Kemmis (Kolstad)

Respectfully report as follows: That House Bill No. 330

DO PASS  
BE CONCURRED IN

SENATE COMMITTEE Highways & Transportation

Date 3-6-79 Shure Bill No. 544 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Frazier  
Secretary

Mark Etchart  
Chairman

Motion: Be Concurred In

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 6

1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 544

Donaldson (Hazelbaker)

Respectfully report as follows: That House Bill No. 544

DO PASS  
BE CONCURRED IN

SENATE COMMITTEE Highways & Transportation

Date 3-6-79 House Bill No. 513 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	/	
Tom V. Hager, Chairman	/	
Frank W. Hazelbaker	/	
Allen C. Kolstad	/	
Carroll A. Graham	/	
Dave Manning	/	
John E. Healy	/	

Carol Fossur  
Secretary

Mark Etchart  
Chairman

Motion: Be Concurred In

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE Highways & Transportation

Date 3-6-79 House Bill No. 513 Time       

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Fossuri  
Secretary

Mark Etchart  
Chairman

Motion: Be Concurred In

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 6 1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 513

Vincent (Hoaly)

Respectfully report as follows: That House Bill No. 513

DO PASS  
BE CONCURRED IN

4/c

SENATE COMMITTEE Highways & Transportation

Date 3-6-79 House Bill No. 404 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Fraser  
Secretary

Mark Etchart  
Chairman

Motion: Be Continued

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

.....March 6..... 1979.....

MR. ....President:.....

We, your committee on .....Highways and Transportation.....

having had under consideration .....House..... Bill No. 404.....

Sales (Graham)

Respectfully report as follows: That.....House..... Bill No. 404.....

DO PASS  
BE CONCURRED IN



SENATE COMMITTEE Highways & Transportation

Date 3-6-79 House Bill No. 574 Time \_\_\_\_\_

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Francis  
Secretary

Mark Etchart  
Chairman

Motion: Be Concurred In

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(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

March 6

1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 574

Day (Kolstad)

Respectfully report as follows: That House Bill No. 574

DO PASS  
BE CONCURRED IN