

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION
MONTANA STATE SENATE

January 18, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on January 18, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called. Present: Senator Mark Etchart, Senator Hager, Senator Elliott, Senator Shaw, Senator Tveit, Senator D. Manning, Senator Stimatz, Senator Daniels. Absent: Senator Graham.

SENATE BILL NO. 106: Hearing commenced on Senate Bill No. 106. Senator Blaylock, sponsor of the bill, told the committee this bill would increase the fines for overweight vehicles by 300%. This bill will increase the penalties for overweight vehicles, and provide that the imposition of the fines may not be suspended. It also revises the disposition of the fines and provides for jurisdiction of such laws in Justices' Courts.

He told the committee that during fiscal year 82, 6,725 citations were issued and \$297,570 collected in fines. Of that amount, \$206,179 was collected in overweight fines. I think this bill will make all truckers, including myself, very careful about how we load these rigs. With fines this high, no trucker is going to take a chance of overloading. If we leave it as it is now, the truckers look at the fines as a cost of doing business.

This bill triples the penalties for persons who violate the weight, length or width limits for trucks, buses or other vehicles. The range of fines is increased from a minimum of \$15 and a maximum of \$50 to \$45 and \$150 respectively. Graduated additional penalties for violations of excess weight are increased in 12 steps from \$15 to \$45 for 2,000 pounds overweight up to an increase from \$1,000 to \$3,000 for an overweight violation of 25,000 pounds. None of the above fines may be suspended, and fines collected will be shared equally by the state highway and county road funds. This bill provides jurisdiction over these offenses for the justice courts.

B. G. Havdahl, representing the Montana Motor Carrier Association, Helena, told the committee they are in support of this bill. Our policy has always been to enforce the weight laws to insure against illegal trucks, because of their impact on our highway system. He presented a chart for the committee to study, and explained it to them. He referred to a report by the Transportation Advisory Committee. The Montana Motor Carriers support their

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recommendations. The bill before you now, is one of those recommendations, to help insure adequate enforcement of illegally loaded trucks. We support this bill completely.

Keith L. Olson, P. O. Box 1716, Kalispell, representing the Montana Logging Association, told the committee their members would be affected by this legislation, but they do support it.

Donald R. Copley, Highway Department, told the committee the Department is in support of SB106.

There were no other proponents or opponents to SB106. Senator Etchart asked the committee if they had questions.

Senator Tveit asked Ben Havdahl if you have to have a permit for 105,000 pounds with axle.

Ben Havdahl told him yes, you do.

Senator Stimatz asked Mr. Havdahl if the new five cents gas tax would change this.

Ben Havdahl told Senator Stimatz and the committee the new five cent gas tax would make 80,000 pound the same throughout the United States on the Interstate System. Currently, some States have 73,000 pound. No state can restrict the length of a semi-trailer. This is strictly on the interstate. Other changes would allow for a mandatory 102" width. It would provide for additional 6" of width.

Senator Elliott asked if grain trucks have self weighing devices.

Ben Havdahl, said yes, they are available. They cost about \$6,000 for one scale. Most log trucks have these scales because of the problems they have in weighing the logs where they are cut. It is an electronic scale built into the truck.

Senator Elliott asked Mr. Havdahl why a trucker would not get a permit.

Ben Havdahl told the committee it is a rare thing and does not happen often. If he did this, he would be subject to a \$3,000 fine under this legislation.

Senator Blaylock passed out a proposed amendment for the committee to look at. (See Exhibit No. 1) I think this bill will be a deterrent. The margin of profit is not that great. I don't believe they will take a chance of getting this high of a fine.

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Senator Shaw asked if there are any exceptions.

Senator Blaylock told him there is the 7% formula. You can pick up to 3,000 pounds of ice. This can be 7% of the total weight.

Ben Havdahl said many of the commodities are agricultural and livestock. The provision says that if you are within 7% of the GVW with that truck, you may be up to 5,000 pounds over the 80,000 pound maximum. You can obtain a permit for \$10. This permit will allow the trucker to go someplace to get legal, or on to their destination, if within a reasonable distance. Technically, they cannot move once they are fined.

Senator Shaw said, in other words you can circumvent the law by buying a \$10 permit, and if the truck is over the 7%, then they can fine you.

Don Copley said, yes. If the vehicle exceeds the 7%, they are subject to a fine.

Senator Blaylock told the committee he has no problems with the amendment.

Gary Wicks, Department of Highways told the committee they are in support of the bill to increase the overweight vehicle fines. We will certainly receive more funds from this legislation, but the most important part of this bill is that it will protect our highway investment. We have no problem with the amendment.

M. Foster, Billings, Highway Commission member, said he is in favor of the increased fines as proposed by this bill.

Gary Wicks, told the committee they are changing the way the funds are distributed. What the bill does is put half in the Highway Fund and the other half in the County Road Fund.

Jim Beck, Staff Attorney, Department of Highways, told the committee that the jurisdiction of the Justice of Peace Court is limited. Large fines ended up in District Court, only to be reduced, so that they can be handled in Justice Court.

Gary Wicks, told the committee \$350,000 a year is collected from these fines. We have not budgeted on that basis.

Senator Elliott asked if there was a Fiscal Note on this Bill.

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Don Copley, Department of Highways, said yes, there is a Fiscal Note.

Senator Etchart asked the Secretary to get copies of the Fiscal Note for Thursday, January 20th, meeting.

There being no further discussion, hearing on Senate Bill No. 106 was closed.

SENATE BILL NO. 10:

Gary Wicks, Director, Department of Highways, told the committee the department supports this bill strongly.

M. Foster, Billings, Highway Commission Member, told the committee he supports this bill. There is no resistance within the Commission regarding this legislation.

Senator Shaw asked Mr. Wicks about their authority. They had the authority at one time, and now through this bill, we are giving it back to them.

Gary Wicks replied yes. At one time they had a lot broader authority than Senate Bill No. 10.

Senator Shaw asked when this authority was taken away from the Commission.

Senator Stimatz told him it was taken away in 1972 and 1974.

Senator Shaw asked if through the reorganization, they did not think the Commission should have this much authority.

Senator Stimatz replied yes.

There being no further discussion, the hearing on Senate Bill No. 10 was closed.

SENATE BILL NO. 91:

Gary Wicks, Department of Highways told the committee they get contracts on Federal Aid Highways, in urban areas, where the Highway Commission is not that directly involved. For example, a signal light, being done by a local government. All we are trying to do in SB91 is get the legal authority to let that local government let the contract.

M. Foster, Billings, Highway Commission Member, told the committee he supports the bill. It is a good housekeeping measure.

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ACTION ON SENATE BILL NO. 10: Senator Tveit made a motion that Senate Bill No. 10 DO PASS. It was seconded by Senator Stimatz. A Roll Call Vote was taken. All Senators present voted yes.

ACTION ON SENATE BILL NO. 55: Senator Etchart passed six pictures of the junk yard in Glasgow around to the committee. Senator Hager asked the Chairman to hold off taking any action on Senate Bill No. 55 until he had a chance to study the bill further.

ACTION ON SENATE BILL NO. 91: Senator Etchart told the committee we would wait to take action on Senate Bill No. 91, until Senator Graham, sponsor of the bill, was present.

ADJOURN: There being no further business before the Committee, the meeting adjourned at 2:35 p.m.



Senator Mark Etchart, Chairman
Highways and Transportation

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~XXXX~~ 1983

Date 1/18/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit	✓		
Senator Graham		✓	
Senator D. Manning	✓		
Senator Stimatz	✓ late		
Senator Daniels	✓		
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

NAME: BG HARDAHL DATE: _____

ADDRESS: Heber

PHONE: _____

REPRESENTING WHOM? Mont. North Civic Assoc

APPEARING ON WHICH PROPOSAL: SB106

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

NAME KEITH J. OLSON BILL No. SB 106
 ADDRESS PO Box 1716 Kalispell DATE 18 Jan 83
 WHOM DO YOU REPRESENT Montana Logging Assn.
 SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- ① ^{FINE} Intent = compliance @ Law
- ② Risk of assassination = support
- ③ Legislation involves give & take
- ④ ~~idea~~ rises to "bite the bullet"

PROPOSED AMENDMENT TO SENATE BILL NO. 106

Page 3.

Following: line 6

Insert: "(4) The penalties in subsection (1) shall not apply where the operator has failed to secure a special permit as provided for in 61-10-107(3) so long as the vehicle or combination of vehicles would not be overweight with such a permit. The failure to obtain the special permit is punishable under 61-10-146, and the operator shall be required to purchase the permit. If the vehicle or combination of vehicles exceeds the weight limitations allowed by special permit and the operator has failed to obtain such a permit under 61-10-107(3), the penalties of subsection (1) shall apply to the weight exceeding 80,000 pounds."

Renumber: the subsequent section.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1/18/83 1983 Bill No. SB10 Time 2:30

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham		
Senator D. Manning	✓	
Senator Stimatz	✓	
Senator Daniels	✓	

Carol Doyle Frasier
 Secretary

Mark Etchart
Senator Mark Etchart
 Chairman

Motion: Tveit = J D Lynch will carry bill =
Contact him -

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

January 18 19 83

MR. **PRESIDENT:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **SENATE** Bill No. **10**

Respectfully report as follows: That **SENATE** Bill No. **10**

DO PASS

M.E.