

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN SHIELL ANDERSON, on January 18, 1995,
at 3:06 P.M.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Charles R. Devaney (R)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)
Rep. Jack Wells (R)

Members Excused: Rep. Bill Ryan left early.

Members Absent: Rep. Don Larson (D)

Staff Present: Valencia Lane, Legislative Council
Kim Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 111
 HB 180
 HB 146
Executive Action: HB 86 Do Pass
 HB 180 Do Pass
 HB 146 Do Pass

{Tape: 1; Side: A; Approx. Counter: 002; Comments: None.}

HEARING ON HB 111

Opening Statement by Sponsor:

REP. CHARLES DEVANEY, HOUSE DISTRICT #97, PLENTYWOOD, stated that the purpose of HB 111 was to clarify the arrest authority of the motor carrier service officers and protect the State of Montana from possible liabilities. This bill also allows the department director to authorize non-resident officers to enforce Montana statutes at joint points of interest. He also stated that this bill would not allow the Department of Transportation to terminate officers due to the joint enforcement agreement.

Proponents' Testimony:

Dave Galt, Administrator of the Motor Carriers Services Division, Montana Department of Transportation, spoke in support of HB 111. SEE EXHIBIT 1.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. PAT GALVIN asked that if someone violates the law at these stations, who would transport these violators. **Dave Galt** said that the Department of Transportation employees will, if they have law enforcement vehicles. He also said that if they do not have the appropriate vehicle they would call the local sheriff or law enforcement officer. **REP. PAT GALVIN** asked what kind of protection these employees have from the violator. **Dave Galt** stated that the Department of Transportation issues handcuffs and provides training for these officers.

REP. DON LARSON asked if the state of Montana has agreements with South Dakota, North Dakota and Wyoming. **Dave Galt** replied no. **REP. DON LARSON** asked if the State has joint weigh stations on the borders of these states. **Dave Galt** replied that there are opportunities to have joint stations and there is no reason why the two states could not come together on these stations. **REP. DON LARSON** asked if there was any estimation of how much money the State would save by having these joint stations. **Dave Galt** replied that at the Idaho-Montana border they saved approximately \$30,000 plus half of the operating expenses. **REP. DON LARSON** asked if other states are currently doing these joint stations. **Dave Galt** replied yes, Utah, Arizona, Nevada, and Colorado. He also stated that Montana was the first one in the "Union" to do this.

REP. DAN MCKEE asked if Dave Galt would explain the purpose of section 2 of the bill. **Dave Galt** stated that during the last session they had this same issue over on the Senate side and the main concern was the loss of Montana jobs from having these joint stations. He also said that they put that clause in the bill to protect those jobs that might be lost.

REP. DAN MCKEE asked if the other states would have to have joint authority passed in order to execute this bill. **Dave Galt** replied yes.

REP. JOE TROPILA asked if other states receive the same training as Montana officers do. **Dave Galt** replied that the Department of Transportation has looked into the matter carefully and if other states are less trained, "the State would bring them up to our standards or advance our people to the other states standards if our people were less trained."

Closing by Sponsor:

REP. CHARLES DEVANEY stated that he recommends a do pass on HB 111.

{Tape: 1; Side: A; Approx. Counter: 360; Comments: None.}

HEARING ON HB 180

Opening Statement by Sponsor:

REP. ROBERT CLARK, House District 8, Ryegate, said that he served on the House Highways Committee in 1991 and a bill came before the committee on window tinting. It was a controversial bill. He also said that people ended up finding loop holes in the bill. HB 180 would help clarify the law and would close up the loop holes.

Proponents' Testimony:

Craig Reap, Colonel, Montana Highway Patrol, stated that HB 180 would be a revision of current law. **SEE EXHIBIT 2.**

Mark Campeau, Auto Trim Design, stated that he is in favor of HB 180 and it helps clear up some complications in the industry. He also stated that some window tinters are refusing to tint some vehicles, so current law is causing a loss in revenue to some businesses.

Mike Frellick, Lieutenant, Montana Highway Patrol, Great Falls, stated that in November he was instructed by Colonel Reap to do a random survey on some of the laws and the enforcement problems with these laws. Their findings were almost unanimous on this issue. (He did a demonstration of the tool they use to determine the percentages on the window tinting.) He stated that these devices are accurate up to + or - 2 percent.

Kathy McGowan, Montana Sheriffs and Peace Officers Association, spoke in support of HB 180.

Jim Kembel, City of Billings, spoke in support of HB 180.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DON LARSON asked if Mr. Frellick would clarify how the device for detection would work. Mike Frellick replied it would detect the allowable light that would reflect through the tinted window.

{Tape: 1; Side: B; Approx. Counter: 001; Comments: New Side.}

REP. DAN MCGEE asked if the mentioned percentages in the bill give the officer the visibility to see the driver of the vehicle. Mike Frellick replied that yes, he was correct and that there have been extensive studies done on this issue.

Closing by Sponsor:

REP. ROBERT CLARK stated that 24% is allowable on the front-side windows and 14% on the back windows. He also said that in 1991 this was a safety issue for the driver and the officers and in 1995 this is still a safety issue.

{Tape: 1; Side: B; Approx. Counter: 72; Comments: None.}

HEARING ON HB 146

Opening Statement by Sponsor:

REP. DAN MCGEE, House District 21, Laurel, stated that HB 146 addresses a single issue bill. It would allow the Department of Transportation to enter into a conjunction with local governments to share the costs of construction elements.

Proponents' Testimony:

Gary Gilmore, Operations Engineer, Montana Department of Transportation, said that HB 146 is a permissive bill to allow the cities and counties to provide funding for highway construction projects within their governmental jurisdictions on state highway routes. He also said that the Department of Transportation has had requests from local governments to provide funding for these projects in order to get the projects done sooner. This bill would give the permissive language in order for the local governments to provide funding.

Opponents' Testimony:None

Informational Testimony:None

Questions From Committee Members and Responses:

REP. ROGER SOMERVILLE asked if Mr. Gilmore could describe a situation in which this bill would affect. **Gary Gilmore** replied that the North Reserve Street in Missoula would be one instance.

Closing by Sponsor:

REP. DANIEL MCGEE stated that he, as a land surveyor, is involved in two projects in which this bill would come in helpful. One is in the town of Eureka and the other is outside of Great Falls. He also said that this bill would be very helpful and urged a do pass on HB 146.

EXECUTIVE ACTION ON HB 86

Motion: **REP. DORE SCHWINDEN** MOVED HB 86 DO PASS.

Discussion:

REP. DAN MCGEE stated that during the hearing he asked how many farmers and ranchers would be affected by HB 86. He also said that he also wanted to know if the 50 mile radius would be a meaningful number for those involved. **REP. CHARLES DEVANEY** replied that he feels the 50 mile radius is valid. He said that if farmers and ranchers are going to use their own vehicles to move stock they probably will not move over 50 miles without hiring a commercial vehicle and this bill is not for commercial vehicles.

CHAIRMAN SHIELL ANDERSON said that to answer **REP. DAN MCGEE's** question about how many farmers and ranchers would be affected by the bill. He felt that there was really no answer that one could come up with accurately.

REP. DAN MCGEE asked CHAIRMAN SHIELL ANDERSON's opinion if he felt HB 86 is a necessary bill. CHAIRMAN SHIELL ANDERSON replied that in his opinion, it is a necessary bill.

REP. MARIAN HANSON stated that HB 86 would give the farmers and ranchers a little flexibility. This bill would give them a 20% tolerance instead of 7% tolerance.

Vote: The question was called. A voice vote was taken. Motion CARRIED 17 to 1 with REP. BOB CLARK voting no.

{Tape: 1; Side: B; Approx. Counter: 333; Comments: None.}

EXECUTIVE ACTION ON HB 180

Motion: REP. JOE TROPILA MOVED HB 180 DO PASS.

Discussion:

CHAIRMAN SHIELL ANDERSON asked if HB 180 would have drivers stripping tinting off of their windows. REP. BOB CLARK replied yes, that in some cases that would happen. The people with too dark of tinting would have to go to a lighter shade which is stated in the bill. This bill will not allow for grandfathering on said vehicles.

REP. DON LARSON asked what would happen to the violators. REP. BOB CLARK stated that the officers would probably issue a warning, have them remove the tinting, and then come in with the tinting stripped and have the vehicle checked.

REP. DON LARSON stated that this bill is an unenforceable bill. REP. BOB CLARK replied that if the person darkened the tint after the bill has been in effect than that person would be in violation.

REP. JACK WELLS asked what the difference is between the side and the back windows. REP. BOB CLARK replied that most factory tinting was done darker behind the "B pillar" and it has not caused any significant problems. The officer can still see movement with that tinting.

REP. PAT GALVIN stated that the original bill included the rear window and then it came to having objects, such as purses, etc., in the windows. So that is why the back windows are not in current law.

Vote: The question was called. A voice vote was taken. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 146

Motion/Vote: REP. DAN MCGEE MOVED HB 146 DO PASS. The question was called. A voice vote was taken. Motion CARRIED unanimously.

DISCUSSION ON HB 111:

The committee started to do executive action on HB 111 and then due to lack of some information they decided to postpone action on the bill.

Motion: REP. ROGER SOMERVILLE MOVED HB 111 DO PASS.

Discussion:

REP. RICK JORE asked if there were any other instances that the out-of-state personnel would need the authority. REP. BOB CLARK replied that the only instance he could think of was in a "hot pursuit" situation.

Dave Galt stated that in Wyoming there is a 50-mile limit on each side of the border.

REP. DON LARSON stated that there is a joint authority. REP. BOB CLARK replied that is a federal law.

REP. DAN MCGEE stated he does not like the clause on page 1, lines 21 and 22, where it says not to cut personnel. He stated that it would not allow the Department of Transportation to make personnel adjustments when they see fit.

REP. MATT BRAINARD moved to amend HB 111, to strike lines 21 and 22.

Discussion:

REP. PAT GALVIN suggested that the committee should check with a representative of the Department of Transportation and the unions who are representing the employees.

Motion: REP. BOB CLARK MOVED TO POSTPONE ACTION ON HB 111.

INFORMATIONAL TESTIMONY

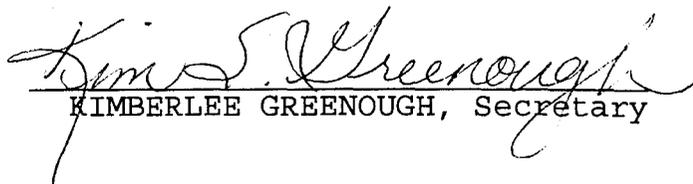
CHAIRMAN SHIELL ANDERSON passed out some informational testimony. SEE EXHIBIT 3.

ADJOURNMENT

Adjournment: 4:03 P.M.



REP. SHIELL ANDERSON, Chairman



KIMBERLEE GREENOUGH, Secretary

SA/ksg

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE 01-18-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney	✓		
Rep. Marian Hanson	✓		
Rep. Don Larson	✓		
Rep. Rod Marshall		✓	
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan	✓	Left Early	
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		



HOUSE STANDING COMMITTEE REPORT

January 19, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 86 (first reading copy -- white) do pass.

Signed:

Kim S. Greerough
Shiell Anderson, Chair
for Rep. Shiell Anderson

Committee Vote:

Yes 17, No 1. Rep. Robert Clark no

160804SC.Hdh



HOUSE STANDING COMMITTEE REPORT

January 19, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Highways and Transportation** report that **House Bill 180** (first reading copy -- white) **do pass**.

Signed:

Kimi Greenough
Shiell Anderson, Chair
For Rep. Shiell
Anderson

Committee Vote:
Yes 18, No 0.

160807SC.Hdh



HOUSE STANDING COMMITTEE REPORT

January 19, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Highways and Transportation** report that **House Bill 146** (first reading copy -- white) **do pass**.

Signed:

Kim D. Greenough
Shiell Anderson, Chair

for Rep. Shiell Anderson

Committee Vote:
Yes 18, No 0.

160808SC.Hdh

Always wed 18 75

I vote with

Michael Calvin

Wm Ryan

HOUSE BILL: 111
SPONSOR: REPRESENTATIVE DEVANEY

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM REPRESENTATIVE CHARLES DEVANEY FROM HOUSE DISTRICT 97. I AM CARRYING THIS BILL FOR THE DEPARTMENT OF TRANSPORTATION TO CLARIFY THE ARREST AUTHORITY FOR MOTOR CARRIER SERVICES OFFICERS AND PROTECT THE STATE FROM ANY LIABILITY PROBLEMS. THIS BILL ALSO ALLOWS THE DEPARTMENT DIRECTOR TO AUTHORIZE NON-RESIDENT MOTOR CARRIER OFFICERS AUTHORITY TO ENFORCE MONTANA STATUTE AT JOINT PORTS OF ENTRY.

SECTION 1 GRANTS THE DIRECTOR OF THE TRANSPORTATION DEPARTMENT THE AUTHORITY TO APPOINT NON-RESIDENT MOTOR CARRIER OFFICERS THE SAME AUTHORITY AS OUR MOTOR CARRIER SERVICES OFFICERS. IN 1988 THE DEPARTMENT ENTERED INTO A JOINT PORT AGREEMENT WITH THE STATE OF IDAHO. IDAHO SPLIT THE COST OF CONSTRUCTION AND CONTINUES TO PAY HALF OF THE OPERATING COSTS INCLUDING MONTANA OFFICER'S SALARIES. IDAHO ALSO HAS APPOINTED OUR EMPLOYEES PEACE OFFICER STATUS IN IDAHO. OUR EMPLOYEES ENFORCE THE LAWS OF BOTH STATES WHICH HAS MADE THIS ARRANGEMENT WORK VERY WELL. IN 1991, MONTANA SIGNED AN AGREEMENT TO OPERATE A JOINT WEIGH STATION IN ALBERTA. OUR OFFICERS WORK IN THAT SCALE AND HAVE BEEN APPOINTED SPECIAL CONSTABLE STATUS TO ENFORCE ALBERTA MOTOR CARRIER LAW. THIS JOINT PORT HAS ALSO SAVED MONEY AND WORKED VERY WELL, EXCEPT MONTANA CAN NOT OFFER ALBERTA OFFICERS THE SAME AUTHORITY. FURTHER NEGOTIATIONS ARE HINDERED IF MONTANA CAN NOT UTILIZE NON-RESIDENT EMPLOYEES.

EMPLOYEES AS A RESULT OF A JOINT PORT AGREEMENT. THERE WAS CONCERN IN THE LAST SESSION THAT WE WOULD CONTRACT WITH OUR NEIGHBORING STATES AND ELIMINATING ALL OUR EMPLOYEES. THIS CLAUSE PREVENTS THAT FROM OCCURRING.

SECTION 2 ADDS CERTAIN STATUTES INTO THE ENFORCEMENT LIST FOR MCS OFFICERS, HOWEVER, THIS IS NOT AN EXPANSION OF AUTHORITY. SECTION 61-10-141 (HANDOUT COPY) AUTHORIZES MCS OFFICERS TO ENFORCE THE FEDERAL SAFETY RULES, AND PSC STATUTES. SECTION NUMBERS 6 AND 11 PLACE THIS SAME AUTHORITY IN TO STATUTE 61-12-206. THIS IS SIMPLY A CLARIFICATION THAT ELIMINATES CONTRADICTION IN STATUTE AND PROTECTS MONTANA FROM ANY LIABILITY ISSUE.

THE SENTENCE NUMBER 2 THAT READS "THESE EMPLOYEES MAY NOT ARREST FOR VIOLATIONS OTHER THAN SPECIFIED IN THIS SECTION" IS REDUNDANT AND THEREFORE DELETED.

SECTION 3 CLARIFIES THE MCS OFFICER ARREST AUTHORITY. THIS ADDITION PROTECTS THE STATE FROM ANY CHARGES THAT RESULT FROM AN ARREST BY AN MCS OFFICER.

MOTOR CARRIER SERVICES ADMINISTRATOR, DAVE GALT, IS PRESENT TO ANSWER ANY QUESTIONS THE COMMITTEE MAY HAVE. I URGE YOUR SUPPORT FOR THIS BILL.

(6) All fees collected under this section must be distributed not later than January 31 immediately following the period of license as follows: 62 ½% to the county general fund in the county in which the permittee declares the greatest amount of time will be spent to operate, 37 ½% to the state special revenue fund for the department of transportation.

(7) The identifying devices and fee paid for each unit are not transferable from one vehicle to another or transferable on the sale or change of ownership.

(8) The department of transportation may adopt rules, as provided in Title 2, chapter 4, to implement the provisions of this section.

History: En. 84-6015 by Sec. 1, Ch. 371, L. 1974; amd. Sec. 1, Ch. 50, L. 1975; R.C.M. 1947, 84-6015; amd. Sec. 1, Ch. 206, L. 1979; amd. Sec. 19, Ch. 581, L. 1979; amd. Sec. 2, Ch. 48, L. 1983; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 8, Ch. 20, L. 1985; amd. Sec. 1, Ch. 183, L. 1989; Sec. 15-21-1001, MCA 1987; redes. 61-10-130 by Sec. 3, Ch. 183, L. 1989; amd. Sec. 3, Ch. 512, L. 1991.

61-10-131 through 61-10-140 reserved.

61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads — enforcement of motor carrier safety standards — duty to obtain bills of lading for agricultural seeds. (1) A peace officer, officer of the highway patrol, or employee of the department of transportation may weigh any vehicle regulated by 61-10-101 through 61-10-110, except recreational vehicles as defined in 61-1-132, either by means of portable or stationary scales, and may require that the vehicle be driven to the nearest scales if those scales are within 2 miles. That person may then require the driver to unload at a designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the maximum allowable weights specified in 61-10-101 through 61-10-110. If the excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the load can be safely reduced to legal limits.

(2) Commodities and material unloaded as required by this section must be cared for by the owner or operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by this section may not be left on the highway right-of-way.

(3) The department of transportation may establish, maintain, and operate weigh stations, either intermittently or on a continuous schedule, and may require vehicles, except passenger cars and pickup trucks under 14,000 pounds G.V.W. and recreational vehicles as defined in 61-1-132 (that are not new or used recreational vehicles traveling into or through Montana for delivery to a distributor or a dealer), to enter for the purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety requirements. The department may require vehicles over 10,000 pounds to be inspected and weighed by portable scale crews.

(4) The department of transportation shall work with the highway patrol in the enforcement of safety standards adopted pursuant to 44-1-1005. For the purposes of the joint enforcement, the highway patrol is designated as the lead agency. The highway patrol and the department of transportation shall cooperate to assure minimum duplication and maximum coordination of enforcement effort.

(5) In order to enforce compliance with safety standards adopted pursuant to 44-1-1005, the department of transportation shall designate employees as peace officers. The designated employees must be employed in the administration of the motor carrier services functions of the department of transportation. Each employee designated as a peace officer may:

(a) issue citations and make arrests in connection with violations of safety standards adopted under 44-1-1005;

(b) issue summons;

(c) accept bail;

(d) serve warrants for arrest;

(e) make reasonable inspections of cargo carried by commercial motor vehicles;

(f) make reasonable safety inspections of commercial motor vehicles utilized by motor carriers; and

(g) require production of documents relating to the cargo, driver, routing, or ownership of the commercial motor vehicles.

(6) In addition to other enforcement duties assigned under this section, an employee of the department of transportation has:

(a) the same authority to enforce provisions of the motor carriers law as that granted the public service commission under 69-12-203, and

(b) the duty to secure or make copies, or both, of all bills of lading or other evidence of delivery for shipment of agricultural seeds as defined in 80-5-120 that have been sold or are intended for sale in Montana and to forward the copies to the department of agriculture within 24 hours of the date the bill of lading was obtained.

History: En. Sec. 5, Ch. 171, L. 1931; re-en. Sec. 1751.5, R.C.M. 1935; amd. Sec. 4, Ch. 184, L. 1939; amd. Sec. 4, Ch. 243, L. 1961; amd. Sec. 1, Ch. 321, L. 1971; amd. Sec. 26, Ch. 316, L. 1971; amd. Sec. 3, Ch. 280, L. 1977; R.C.M. 1947, 32-1126(1) thru (4); amd. Sec. 2, Ch. 226, L. 1981; amd. Sec. 3, Ch. 686, L. 1985; amd. Sec. 121, Ch. 370, L. 1987; amd. Sec. 2, Ch. 57, L. 1989; amd. Sec. 1, Ch. 446, L. 1989; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 1, Ch. 70, L. 1993; amd. Sec. 12, Ch. 575, L. 1993.

Compiler's Comments

1993 Amendments: Chapter 70 in (1), in second sentence after "unload", substituted "at a designated facility" for "immediately" and inserted third and fourth sentences regarding issuance of and authorization under an excess weight permit; in (2), in first sentence after "cared for", deleted "and removed from the highway right-of-way" and substituted second sentence prohibiting leaving material on highway right-of-way for former language that read: "The removal shall be within a reasonable time designated by the person who has compelled the unloading"; and made minor changes in style.

Chapter 575 in (3), near middle of first sentence after "under", substituted "14,000 pounds" for "8,000 pounds" and inserted last sentence concerning inspection and weighing; in (5), in second sentence, substituted "motor carrier services" for "gross vehicle weight"; and made minor changes in style. Amendment effective January 1, 1994.

Cross-References

Public scales, Title 7, ch. 21, part 31.
Highway Patrol — jurisdiction of patrol officers, Title 44, ch. 1, part 10.

"Peace officer" defined, 45-2-101.
Enforcement by Department of Transportation personnel, Title 61, ch. 12, part 2.

61-10-142. Display of permit. A special permit issued under 61-10-121 shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer, officer of the highway patrol, or employee of the department of transportation.

History: En. 32-1127.8 by Sec. 34, Ch. 316, L. 1974; R.C.M. 1947, 32-1127.8; amd. Sec. 122, Ch. 370, L. 1987; amd. Sec. 3, Ch. 512, L. 1991.

DEPARTMENT OF JUSTICE House Bill 180: Window Tinting

Purpose: To clarify the law restricting tinting of vehicle windows.

Background

The 1991 Legislature passed Chapter 777, limiting the amount of tinting material that could be applied to the windows of a motor vehicle to reduce the effects of the sun. The measure was passed to promote traffic safety--allowing eye contact with the driver of a vehicle and ensuring that law enforcement officers could see what was going on in a vehicle they approached. MCA section 61-9-405 currently prohibits any tinting material that allows less than 35% light transmission on the front side windows or less than 20% light transmission on the rear window or side windows behind the front seat. Hearses, ambulances, government vehicles, and vehicles that were registered before October 1991 may obtain an exemption from the window tinting restrictions.

Because of ambiguities in the 1991 law, there has been confusion over the amount of tinting material that legally can be applied to vehicles whose windows were tinted by the vehicle's manufacturer. The confusion stems from the language of section 61-9-405 that allows a 35% tinting level to be applied. When a legal amount of tinting material is applied to a vehicle that had tinting installed by the manufacturer, the amount of light allowed to pass through the window could be less than that allowed by law. Chapter 777 did not clearly address this double-tinting situation.

Proposal

HB 180 clarifies that the percentages specified in the law set the minimum amount of light that must be allowed to pass through the window. For every vehicle other than those exempted by the statute, at least 24% light transmission will be required in the front side windows and 14% in the rear side and back windows. HB 180 makes it clear that the light transmission limits apply to vehicles to which tinting has been applied by the manufacturer. Vehicles exempt under current law will not be affected.

There is no need for a grandfather clause in the bill, because the percentage of permissible light transmission is reduced to account for most tinting that has been applied since the 1991 law took effect. Thus, vehicles to which the 35% limit was applied to standard manufacturer-installed tinting will comply with the new 24% limit. (Because the percentage figures represent the amount of light allowed to pass through the window, 24% is a darker tint than 35%.) The new limit will still provide adequate light transmission to address law enforcement concerns, but will not require costly removal of tinting material for most vehicles.

HB 180 clarifies the intent of the 1991 Legislature. It will make Montana's window tinting law enforceable and set a clear standard for law enforcement and for window tinting applicators.

HIBIT
 DATE 01-18-95
 HB 1000

How to end country hwy. crashes, 50 mph limit straight-aways (55 with brights on straight-aways, 20 to 45 mph curves & hills days for nights causes dazes, attention fades & crashes as speeding consciousness accumulate; the yearly statistical facts of dazes, casualties, continue to occur in inexperienced, elderly, & other drivers.

The Hwy. sensory accumulations of natural & mixed environmental consciousness (no standing deer stopping distance is a persistent % of the natural sleep zone).

ENDING DRIVING CASUALTIES & UNDERSTANDING SIMPLE & NIGHT PSYCHOLOGY (OR BLACK-OUTS, ATTENTION FIDES, DARKNESS, DAZES, BIRD/BUG BRAINED SPEEDING, YEARLY AMOUNTS TO FATAL ATTENTION FIDES).

GOOD DRIVING HABITS, UNIFORM CUSTOMS, & EXERCISE, PREVENT DAZES (2:03 to 20 SECOND BLANK) & BAD REFLEXES:

Young drivers' inexperience, & others, over confidence from dozens or 100's of pleasant, same & familiar roads, fun, highs and relaxation can cause dazes... should be preventable by the above, & speedometer glances frequently. (REPORT TAILGATER) WEAR SEATBELTS, STRAIN DEFAILMENT ENERGIES CAN HAPPEN ON HWYS. THERE ARE MORE FISH, BIRDS, ETC. ON THE PLANE THAN PEOPLE. NATURAL POWERS GROW MILLIONS OF POUNDS & INCHES EVERY YEAR. WILD NERVES CAN CATCH ONE HANDED DRIVING, FORG. LOOKS CAN HAPPEN, KEEP TWO HANDS ON THE WHEEL. DON'T UNDERESTIMATE NATURAL POWERS & VARIANCE, ONE SMALL GLASS OF ALCOHOL OR ONE (BITTER) PILL CAN CAUSE NEARLY IMMEDIATE UNCONSCIOUSNESS IF YOUR STOMACH'S EMPTY (2 to 5 hrs. since a meal). BIOLOGIES & NERVES SOMETIMES ARE INTERCONNECTED. COUNTRY HWY. DRIVERS ARE A MINORITY OF CITY & THRUWAY DRIVERS MORE RELAXED ACCUMULATED CONSCIOUSNESSES, AND 100's OF PRISONERS' BOREDOM CAN ACCUMULATE BADLY. CAUSE & EFFECT: 1 to 1, 1 to 1, CAUSING DAZES OR HURRIED ERRORS. UNINTENDED TRIGGER FINGER REFLEXES OCCUR.

THE GOAL OF A 100% END OF CRIME & DRIVING CASUALTIES (PERMANENTLY) DEPENDS ON 100% AGREEMENT & FREQUENT (TV) COMMUNICATION (& ALERTNESS) OF SIMPLE RIGHT PSYCHOLOGY, THAT BAD, NON-HUMAN FEELINGS +/- REFLEXES CAUSE VIOLENT RESPONSES MISERY OVER DAYS OR WEEKS COMPELLS VIOLENCE, EVERYONE CAN UNDERSTAND ABNORMAL PSYCHOLOGY, IF YOU FEEL TRAPPED IN UNHAPPINESS THE VERY GOOD WAY TO RETURN TO HAPPINESS IS VERY VIGOROUS EXERCISE, COLD OR HOT BATHS, & OTHER ENJOYMENTS. VIOLENCE IS A > 99.9% EMOTIONAL DISORDER WHICH HAS A NEAR 100% PHYSICAL & EMOTIONAL REMEDY (VIGOROUS EXERCISE & BATHS). MODERATE EXERCISE IS A PREVENTATIVE TO BAD FEELINGS. WISE CONTROL/EXERCISES FOR ALERTNESS & TO PREVENT BAD REFLEXES. (-) [BAD FEELING, BOREDOM, CONFUSION, MISERY] + (+) [EXERCISE, BATHS] -> EVEN HAPPIER.

dry mph 25/45 (CURVES); < 50 on night straight-aways; 25 NO VIEW HILL TOPS. 59601, MAY 1994 (MOR) MIKE B., POET, PHILOSOPHER [POSTERS (DOZENS) & NOTES (100's) HERE & THERE]

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Highway & Transportation COMMITTEE

BILL NO. HB111, HB 146, HB180

DATE 01-18-95 SPONSOR(S) Rep. Dwaney, Rep. McGee, Rep. Clark

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
R. Whubrunn	State Farm	HB 133	✓	
Joseph Katmeister	TRUCKING	HB 111		
MARJORIE GATZMEIER	" "	HB 111		
Jim Kumbel	City of Billings	HB 180		✓
Craig Day	MHP	HB 180		✓
GARY GILMORE	MDT	HB 146		✓
MIKE FRELICK	mHP	HB 180		✓
Dave Deth	MDT	111		✓
Gordon Morris	MACO.	146		✓
Kathy McGowan	MSPOA	180		✓
W. [Signature]	Farmers Ins Group	HB 133	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.