

January 23, 1979

The House Highways and Transportation Committee convened in Room 20 of the Capital Annex, on Tuesday, January 23, 1979, at 1:30 p.m., with Chairman Baeth presiding and fifteen members present (Rep. Magone was absent). Chairman Baeth opened the meeting to a hearing on the following bill:

HOUSE BILL 100 REPRESENTATIVE KERRY KEYSER, District 81, the bill's chief sponsor, said this is an act to revise the law concerning habitual traffic offenders by reducing the time of accumulation of points from five years to three years and also reducing certain point values. He said he wants to keep the Habitual Offenders Act and this bill in no way waters down that act. Rep. Keyser said by lowering it to three years the habitual offenders would still be so tagged but not the ones who shouldn't be. He said the reduction of points for certain offenses brings them more in line with other similar offenses--like drag racing from six to five which is what reckless driving is; and operating a motor vehicle without a license from six to two.

MAJOR P. B. TOOLEY, Montana Highway Patrol, was the next proponent speaker. He said the main intent of these amendments to the law was to comply with suggestions received from the district courts. He said the true habitual offenders amass points in a relatively short amount of time and in big clumps, and these they get to talk to. So, he said, if they go on and violate again they know what they are doing. However, the ones who pick up the points slowly over a period of years and end up with thirty points at the end of five years, may end up quite surprised to be tagged a habitual offender. He said the Patrol does not get to talk to these people to warn them.

During questions from the committee, Rep. Cooney asked how many habitual offenders we have. Mr. Tooley responded that the number keeps going up, but there is about 250 a year. Rep. Cooney asked if this number would change if we use the three year accumulation of points rather than the five year. Mr. Tooley said if we stay with the five year the number will increase but should stay about the same if the change is made. Mr. Tooley also responded to a question that the reason for dropping from six to two the points for driving without a license was that this is a violation that is not a hazard to other people. It was brought out that you do have a 90 day grace period to get your driver's license renewed before you need to take the test and if you have purchased the license and have the receipt that can be used in lieu of a license for sixty days. Chairman Baeth mentioned that the reason the change is being asked is that a lot of people are nearing the thirty points so the judges are being lenient in some cases. Mr. Tooley said it is complicated to get this into district court as it is civil law. He said the judges have the authority now and there isn't much that can be done to get them to enforce it.

Rep. Tropila said the points for deliberate homicide should be 29½ rather than 15. Rep. Woods said he missed the driver's license reminder card. Mr. Tooley said they had a lot of trouble with that little card and that is why they discontinued its use, problems like 125,000 people a year to notify and in four years many people have changed their addresses.

Chairman Baeth closed the meeting to the hearing and opened it for executive session.

EXECUTIVE SESSION

House Bill 67 Chairman Baeth said this bill has come back to the committee at the request of the bill's sponsor. Rep. Cooney moved the bill do pass. Rep. Tropila said after discussion with the Public Service Commission and others that the amendment he had moved on the bill was not needed and he would like to have it removed. This amendment was on page 2, line 5, striking "making arrests" and inserting "issuing citations." He said he found this has been on the books for many years and the PSC has never misused the power and he felt if it could save a life it should stay there. He seconded passing the bill in its original state. The motion of do pass was approved unanimously by those present (Rep. Magone absent).

House Bill 100 Rep. Cooney moved do pass. Rep. Tropila moved a substitute motion to amend: Page 2, line 2 to strike 15 and insert 25; line 4, strike 12 and insert 20; line 8, strike 12 and insert 15; line 16, strike 8 and insert 15; line 21, strike 4 and insert 10. Rep. Lien moved that we separate the amendments and take them one at a time. He mentioned the title would also have to be amended to revising instead of reducing. Rep. Tropila moved the first amendment on page 2, line 2, to strike 15 and insert 25. Chairman Baeth asked Vice-Chairman Kanduch to take the chair so he could enter into the discussion. He said he had served on the Judiciary Committee when this point system was first brought up. He was against increasing the points as he felt the bill was fairly well thought up. Rep. Lien mentioned that if a person has committed deliberate homicide he won't get off with just 15 points. He said if we raise the points too high the offender will be able to get the sympathy of some judge.

Rep. Keyser moved a substitute motion to pass the executive action on this bill until the next meeting when there would be executive action, so that a little more checking could be done with the Attorney General's Office to find out what their opinion was. Rep. Tropila agreed this would be a good idea. He said the reason he had moved the amendments was that he would like to get the habitual offenders off the roads before they kill somebody. The motion to hold the bill until the next executive session carried unanimously.

House Bill 67 Rep. Tropila moved that HB 67 be opened for consideration again. He said the second amendment put on this bill had been overlooked, and this amendment he would like to have stay on the bill. The motion to reconsider carried unanimously with those present (Rep. Magone absent). Rep. Tropila then moved that on page 2, line 13, following "vehicles." to insert "The scope of the inspections is limited to the enforcement of the provisions of Title 69, chapter 12.", and that HB 67 as so amended do pass. This motion carried unanimously (Rep. Magone absent).

Meeting adjourned at 2:15 p.m.

Respectfully submitted,


WILLIAM R. BAETH, Chairman

Emelia Satre, Sec.