

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 27, 1979

The Eighteenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:00 P.M.

ROLL CALL: Senator's Etchart, Hager, Hazelbaker, and Graham were present. Senator's Kolstad, Manning and Healy were absent.

CONSIDERATION OF HOUSE BILL 518: Representative Mike Cooney, District 83, Silver Bow County, said that House Bill 518 was introduced for the Department of Justice. The bill provides a grace period of 45 days for special mobile vehicles. This is an act to amend 61-3-431, to provide a grace period in which a special mobile equipment identification plate may be renewed. He introduced Larry Majerus from the Highway Department to the committee:

Larry Majerus, Highway Department told the committee House Bill 518 is a house keeping measure. At present there is no provision for any type of grace period. The license expires on December 31st, and the special mobile equipment cannot operate on any roadway until they get licensed. The Department feels they are entitled to the same grace period as anyone else.

Senator Etchart, Chairman of the Committee, asked if there were any other proponents. There were none. He asked if there were any opponents. There were none. He asked the committee if they had any questions.

Senator Graham asked Larry Majerus what designates mobile equipment.

Larry Majerus said special mobile equipment consists of earth movers, snow removal equipment, gravel crushers, etc. It consists of things not normally built for highway use, but things that are moved occasionally on the highway. It is something that would be pulled or driven.

Chairman Etchart asked if there were any other questions.

Senator Hager asked about the identification plate.

Larry Majerus said it is a smaller license plate, attached to the rear of the Special Mobile Vehicle, with letters SM-number.

There being no further questions the hearing was closed on House Bill 518.

CONSIDERATION OF HOUSE BILL 100: Representative Keyser, sponsor of the bill was not present for the hearing. Duane Tooley, Montana Highway Patrol was present and told the committee House Bill 100 is a modification of the Habitual Offender Act. It is an act to revise the law concerning habitual traffic offenders by reducing the time of accumulation of points from 5 years to 3 years and revising certain point values. The point levels in Page 1, line 23 and down through F on Page 2, Line 14 through 18 were changed in the House Highway Committee, with their recommendation. Those changes that were made will affect a small amount of people. We are adjusting some of these points so that they will make a little more sense. On line 23, 24 and 25, we have the largest amount of arguments on J. Originally if you had a license that expired more than six months, the point level was 6. If the license was expired less than six months, the point level was 2. The Courts could not see the difference. What we have done is change the points to 2 for all expired licenses. That is the basic changes that we are asking for. I think the courts will be more comfortable with this. The Highway Patrol also has misgivings about Item F on page 2. Failure to stop in the case of injury or death accident will raise to 15 points. This sounds reasonable, but if you were to strike some vehicle or car and drive on, thinking that you have done no damage and later on, the other person says he is hurt, you could be charged. Because of its broad application, I wonder about this.

Chairman Etchart asked if there were any other proponents. There were none. There were no opponents. He asked the committee if they had any questions.

Senator Hazelbaker asked if 6 on Page 3, Line 2 should be stricken.

Major Tooley said Yes, it is a misprint.

Senator Hager wanted to clarify with Major Tooley the fact that if you operate a motor vehicle without a license would be 2 points.

Major Tooley replied, yes, if it is expired. If the license has been revoked or suspended, then that is a different matter.

Chairman Etchart asked Major Tooley to go over what the House changed.

Major Tooley gave the following information:

- A - 15 points to 20 points
- B - 12 points to 17 points
- C - 12 points to 15 points
- D - 10 points to 12 points
- E - was our recommendation
- F - 8 points to 15 points

The rest of the point changes are our recommendations.

Senator Graham asked Major Tooley about Page 2, Line 14 and 17. If a person was in a accident, and both parties involved decided there was no damage, but later on, the person who was in the other vehicle files a complaint, what would happen.

Major Tooley said the Highway Department, Highway Patrol has a concern in this area. As the bill is written now, its stout. If the person was convicted, he would get up to 15 points.

Senator Graham asked if what the Highway Patrol originally had, at 8 points, was more reasonable.

Major Tooley, said yes, as 8 points would not kill a person off.

Chairman Etchart asked Major Tooley if the points were wiped out after the three year period.

Major Tooley, said yes, presently, at the end of five years, the points begin to drop off as they occur.

There being no further questions the hearing was closed on House Bill 100.

CONSIDERATION OF HOUSE BILL 493: Representative Cooney, District 83, told the committee this is a grace period bill. This is an act to amend section 61-4-101 to provide a grace period for motor vehicle dealer license renewal. On Page 2, Line 7, the House amended and then amended it back to what it originally was. They heard this bill first, and then they amended this down to 30 days. One of the ideas of these bills is to make them all the same. They decided to bring this back up to 45 days. The purpose is to grant grace period for dealers plates the same as others. I think this is another clean-up bill.

Larry Majerus, Motor Vehicle Division, Department of Highways, told the committee this bill will make it easier for dealers and will also take the heat off the enforcement officers. It will clean it up.

Jerry Raunig, Montana Auto Dealers Association told the committee the organization he represents supports this bill.

There being no questions from the committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 495: Representative Cooney, District 83, told the committee this is an interesting bill. This bill will allow the Division to recycle used license plates. Apparently, a non-profit organization is interested in doing this recycling. I did some research on this. This will allow a non-profit organization to collect used and outdated license

plates and take them to the recycling plant.

Larry Majerus, Department of Highways, told the committee that about two years ago, the Department was approached by a non-profit organization to clear the air on this. Presently, under state purchasing regulation, they cannot do this and have asked if they have the right to do it. All the department is asking for is the right to attempt to do it. I doubt that this will bring any income to the State. Maybe some. This bill merely allows us to set up methods and ways of collecting these plates. Right now we have counties collecting plates in anticipation of this bill passing. Organizations will transport the plates to Deer Lodge.

In closing, Representative Cooney, said he thought this would be a good program to try and hoped the committee would give a Do Pass recommendation.

Chairman Etchart asked if there were any questions from the committee:

Senator Hazelbaker asked if the plates would be turned in with beer cans.

Larry Majerus, said possibly yes, for melting down. Some have organizations that will pick up the plates at the county treasurer's offices. With this bill, we will be able to authorize the organization to collect and be able to do it.

Senator Hager asked if a person would be required to turn a plate in.

Larry Majerus said yes, under some circumstances. In the case of a re-issue on a personalized plate, this would be a voluntary basis. But, when you get a personalized plate, in the past, you got a regular plate and when your personalized plate came in the mail, then we would require the old set be turned back in. Wrecking facilities would also be willing to turn plates in. Everytime you change a residence you have to change plates to go with the county. So, there will be some plates because of that. We will issue new plates in 1982. The account does not have enough money to re-issue until 1982.

Senator Graham asked if there would be a fine if you did not turn in the plates.

Larry Majerus said no. At present, nothing anticipated for not turning in your plates. The County Treasurer's voted for this bill and this would not be a mandatory thing, but would only allow us to do it. Since there were enough Counties interested, we felt we had to proceed.

Senator Hazelbaker asked what the status was on the bill that would sponsor one license plate instead of two.

Larry Majerus said that bill was killed in the House.

There being no further questions the hearing was closed.

ACTION ON HOUSE BILL 518: Senator Hazelbaker made the motion that HB 518 be concurred in. The committee voted unanimously that HB 518 be concurred in. The motion carried. Senator Hazelbaker will carry this bill on the Senate Floor.

ACTION ON HOUSE BILL 100: Senator Graham asked the committee to hold this bill, as he would like to gather more information on it. He said he would have some recommendations for the committee on the next meeting.

ACTION ON HOUSE BILL 493: Senator Graham made the motion that HB 493 be concurred in. The committee voted unanimously that HB 493 be concurred in. The motion carried. Senator Graham will carry this bill on the Senate Floor.

ACTION ON HOUSE BILL 495: Senator Hager made the motion that House Bill 495 be concurred in. The committee voted unanimously that HB 495 be concurred in. The motion carried. Senator Etchart will carry this bill on the floor of the Senate.

There being no further business the meeting adjourned at 1:35 p.m. The next meeting of the Highways and Transportation Committee will be Thursday, March 1, 1979, in Room 410, of the State Capitol Building at 1:00 p.m.

Mark Etchart

SENATOR MARK ETCHART

ROLL CALL

Highway

COMMITTEE

46th LEGISLATIVE SESSION - 1979

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

Each Day Attach to Minutes.

SENATE COMMITTEE Highways & Transportation

Date 2-27-79 House Bill No. 495 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 Fossini
Secretary

Mark Etchart
Chairman

Motion: _____

Be Concurred In

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

STANDING COMMITTEE REPORT

February 27 19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 495

Respectfully report as follows: That House Bill No. 495

DO PASS

SENATE COMMITTEE Highways & Transportation

Date 2-27-79 House Bill No. 493 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		

Carl Francis
Secretary

Mark Etchart
Chairman

Motion: _____
Be Concurred in

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

STANDING COMMITTEE REPORT

February 27

1979

MR. President:.....

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

having had under consideration House..... Bill No. 493.....

Respectfully report as follows: That..... House..... Bill No. 493.....

DO PASS

SENATE COMMITTEE Highways & Transportation

Date 2-27-79 House Bill No. 518 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

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

STANDING COMMITTEE REPORT

February 27

1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 518

Respectfully report as follows: That House Bill No. 518

DO PASS