

MINUTES OF THE MEETING
Highways and Transportation Committee
Montana State Senate

March 3, 1979

The twentieth 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 3, 1979.

ROLL CALL: All Committee members were present except Senator Hazelbaker, Senator Kolstad, and Senator Graham. Senator Graham arrived later in the meeting. Senator Hazelbaker was excused.

CONSIDERATION OF HOUSE BILL 322: House Bill 322 is an act permitting a licensed wrecking facility to make the required search for the owner of an abandoned vehicle.

In the absence of Representative Harrington, sponsor of House Bill 322, Mr. William Romine from the Montana Automotive Dismantlers and Recyclers Association, opened testimony in support of this bill. Mr. Romine said that House Bill 322 is similar to the Code Commissioner Senate Bill 450 in that the two relate to abandoned motor vehicles. See Attachment "A" for Mr. Romine's explanation of House Bill 322. He said that he discussed the bill with Senator Hager, who said that if it passes the Committee he will be happy to carry it on the Senate floor.

Representative Harrington apologized for his late arrival and said that he spoke to Mr. Romine before the hearing and concurs with his testimony.

Henry Lohr, Hank's Salvage and Recycling in Townsend, said that he supports House Bill 322.

Chairman Etchart asked the Committee members if they have any questions. Chairman Etchart asked Mr. Romine how the search process goes and what the wrecking yards have to do. Mr. Romine explained that generally the wrecking yard picks up the vehicle. They take all the information off the vehicle to the sheriff. The sheriff contacts Deer Lodge, and he should be contacting them in writing to ask for the name of the owner and the lien holder. The sheriffs have been using their L.E.T. system, and this is not correct because the computer does not have all the information on it. What will happen is the wrecking yard association will prepare special forms which are sent to Deer Lodge requesting the information. These forms will have a place for Deer Lodge to send back

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the information in writing. Then the wrecking yard will send a notice to the owner and the lien holder that they have the vehicle. The owner and the lien holder have 30 days after that notice is sent to pick up the vehicle. If that does not happen, the wrecking yard will deliver to the sheriff the letter sent to Deer Lodge and certification that the yard served notice to the owner and lien holder. Chairman Etchart asked how the value is determined. Mr. Romine said that if the vehicle is not picked up, it is sold in a sheriff's sale with publication of notice. In most cases the wrecking yard will buy it. However, anyone can bid on it. Anything over the towing and storage fees goes back to the owner, if he can be found. There is only one exception to the sheriff's sale. If the vehicle is worth less than \$100 and is an abandoned vehicle and the person doesn't pick it up, then the title can be transferred directly to the wrecking yard. The sheriff gets the county treasurer to certify the value in this case.

The hearing on House Bill 322 was closed at 1:15 p.m.

CONSIDERATION OF HOUSE BILL 352: House Bill 352 is an act to amend section 61-3-403, MCA, to require a county designation sticker on personalized license plates.

Representative Kessler, House District 66 in Billings and sponsor of House Bill 352, said this bill is the result of a request from the county treasurers because of a problem in Yellowstone County and other counties dealing with personalized license plates. There are a large number of people who have personalized license plates that are registering their vehicles out of the county in which they reside and in an adjacent county where the taxes are lower. There is no way to track them down without a number of the county on the license plate. The solution in this bill provides for a sticker that is placed in the upper left-hand corner of the plate. At least in this manner the law enforcement officials will be able to track these individuals down.

Edith Cox, Montana Association of County Treasurers, said that House Bill 352 would make the job of the county treasurer much more efficient and easier to collect the taxes. The only way they know what county the license is registered in now is by calling Deer Lodge.

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Larry Majerus, Motor Vehicle Division, said that they have been aware of the problem but have not known what to do because the present plate doesn't leave a lot of room to put the sticker on it. He showed the Committee a personalized plate with 6-1/2 digits on it, and the plate only allows 7-1/2 digits. On line 1 of page 2 of the bill the House committee amended the bill and asked that the sticker be placed in the upper left-hand corner. Mr. Majerus said this is fine with the Motor Vehicle Division, but it does cover up the bicentennial sticker. Therefore, people who pay for the personalized plates and the bicentennial sticker might object. Mr. Majerus suggested that the bill be amended to take out "the upper left-hand corner" and insert "in accordance with instructions from the division." That would allow the division to possibly have the sticker in front of "Big Sky" on the plate or some place else. Mr. Majerus said it is possible that the bicentennial sticker can be made larger, but he could not get in touch with the plate manufacturer before the hearing to ask him.

Chairman Etchart asked the Committee members if they have any questions. Senator Manning asked if there is any designation as to the size of the sticker. Representative Kessler said that will be left up to the motor vehicle division.

The hearing on House Bill 352 was closed at 1:20 p.m.

ACTION ON HOUSE BILL 322: Senator Hager moved that House Bill 322 be concurred in. The motion passed unanimously. Senator Hager will carry the bill on the Senate floor.

ACTION ON HOUSE BILL 352: Senator Hager moved that the Committee strike on page 2, line 1, "the upper left-hand corner of" and then on line 2 strike the period and quotes and insert "in accordance with the instructions of the division." The amendment passed unanimously.

Senator Hager moved that House Bill 352, as amended, be concurred in. The motion passed unanimously. Senator Hager will carry the bill on the Senate floor.

While the Committee was waiting for the sponsors on the remaining bills to be heard, Senator Hager asked Mr. Tooley from the Highway Patrol if they have any authority off the highway now. He was referring to House Bill 432. Mr. Tooley said the highway patrol feels that they have authority on anything that is defined as part of the highway. He thinks that rest stops fall into that category, but he said that they were not involved in House Bill 432.

CONSIDERATION OF HOUSE BILL 513: House Bill 513 is an act to amend section 61-5-111, MCA, to provide a one-stop licensing procedure for the issuance and payment of fees for drivers' licenses.

Representative Vincent, sponsor of House Bill 513, said that this is a relatively uncontroversial bill. As background information for the bill, he stated that in Bozeman to get a driver's license an individual must first go to the county treasurer's office to pay his fee and get a receipt. Then he takes that receipt to the Highway Patrol's office to take his examination and eye test. Representative Vincent said he doesn't know how this system ever went into effect, but this bill establishes one-stop driver's license issuance and renewal in places which can accommodate it so that an individual simply goes to the Highway Patrol's office. This bill is written so that the current practice can remain in effect in the small, rural counties. He referred the Committee to page 2 of the bill where it says that the county treasurers receive 5 percent of the total fee. He said that this fee has never been used to buffer the general fund of the county. It is not a money-making project at all. It simply offsets some of the cost for the paperwork. If this bill were to pass, in those areas where they still continue to work under the current system, the county treasurer will continue to keep the 5 percent. If the highway patrol does all of the paperwork, they keep the 5 percent. Representative Vincent said that one-stop service makes sense for saving time and fuel.

Duane Tooley, Highway Patrol, said that they are neutral on the bill; but, if the Committee has any questions, he will be happy to answer them.

Chairman Etchart asked the Committee members if they have any questions. Chairman Etchart said that the Finance and Claims Committee handled a bill by Representative Ellis this morning which changes the procedure for handling these license fees. He asked if there is any conflict with the two bills. Mr. Tooley said that all the other bill does is relieve a bottleneck in the state treasurer's office. This bill doesn't affect that one at all. Senator Healy asked if this bill would require any special help. Representative Vincent said it would not. Senator Healy asked about a bond because of people handling money. Representative Vincent said he doesn't

know the fiscal impact of that. Senator Healy said that anyone handling money like this has to have a bond. In large counties there will be quite a lot of money involved. Representative Vincent said that the highway patrol collects fines now, but he doesn't know if they are bonded. Mr. Tooley said they are not bonded as individuals, but they may be covered by a group bond. Representative Donaldson said that there are blanket bonds in some state offices. Representative Vincent said he will be happy to look into this and report back to the Committee. Senator Hager mentioned that when he renewed his license in Billings he did everything at the same facility. Mr. Tooley said that facility and the one in Great Falls are unique because the people taking the money are provided by the county treasurer. Mr. Majerus said that Helena tried to do that, but there wasn't enough business to keep one person busy full time. Representative Vincent said he checked with the lobbyist for the county treasurers, and she said this bill is just fine with them. It will relieve their help for other duties. Chairman Etchart asked Mr. Tooley if he felt that this bill would create a burden in their offices. Mr. Tooley said he doesn't see any problem with doing this with their current clerical help.

The hearing on House Bill 513 was closed at 1:40 p.m.

CONSIDERATION OF HOUSE BILL 544: House Bill 544 is an act to revise the eligibility requirements for the driver improvement program.

Representative Donaldson, House District 29 and sponsor of House Bill 544, said that what this bill does is try to correct a situation that is not too good, and it amends the present section of law 61-2-302. The primary changes are on the bottom of page 1 and top of page 2. This bill is designed to stop judges who feel sorry for a person who has had his license revoked from putting him back on the road without going through the process of getting him straightened out so that he is a good driver.

Mr. Tooley, Highway Patrol Division, said that this is a bill in which they are very interested. The present law is causing people to get back on the road who have no right or business in being there. Revocation of a license comes only after a very serious series of violations. What is happening in some courts is that some attorneys on the defense side are coming in with a sob story, and the judge lets the guy get right back on the road. He passed out some court cases where this has happened. See Attachment "B." In some cases the habitual offender gets out and gets a license sooner than if he had never had an habitual offender hearing. Mr. Tooley said the highway patrol is just asking that there be a limit as to how soon these people can get their driver's license back.

Chairman Etchart asked the Committee members if they have any questions. Senator Graham asked if there is any way that under certain circumstances a person can get around this. Mr. Tooley said that this monster was created by a law passed last session allowing for driver rehabilitation. What this bill does is try to close some of the loopholes and reach a happy medium. Senator Graham asked how long the suspension would be for. Mr. Tooley said if the license is revoked for one year, the person must serve three months. If the license is revoked for three years, the person would serve one year. Chairman Etchart asked how many cases are involved. Mr. Tooley said there are hundreds, and the number is increasing fairly rapidly. Chairman Etchart asked if this is happening in just certain areas. Mr. Tooley said it is happening statewide, but some judges are more inclined to do this than others are. Chairman Etchart asked if these drivers continue to violate the law when they go back out. Mr. Tooley said that in some cases they do and in some cases they are doing a fairly good job of driving. Mr. Tooley said that what the courts have done is an illegal action, and the courts might be responsible if the guy goes out and hurts somebody.

The hearing on House Bill 544 was closed at 1:50 p.m.

CONSIDERATION OF HOUSE BILL 432: House Bill 432 is an act to extend the arrest powers of highway patrolmen to offenses occurring on highway rest areas and state highway properties adjacent to the highway.

Representative Menahan, sponsor of House Bill 432, was not present. The Committee asked Mr. Tooley to talk about the bill. Mr. Tooley said that this bill broadens their authority to cover stock piles and highway department yards. The highway patrol has no strong objection to it. He feels that the protection of state property could be of some value because the yards are usually out of the city limits and the highway patrol goes there anyway. Chairman Etchart asked if this would cover the highway building property outside of Helena. Mr. Tooley said it would, but they don't have to go out there. Senator Hager asked about property that is back off the highway. Mr. Tooley said that wouldn't be covered. Senator Graham stated that in Minnesota they had so much problem with vandalism at the rest stops that they hired senior citizens to look after the stops. This shut off vandalism, and the retired people enjoy having something to do. He stated that the highway patrol should be able to do something at these areas if they see something going on. Mr. Tooley said that they do that now.

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ACTION ON HOUSE BILL 432: Senator Healy moved that House Bill 432 be concurred in. The motion passed unanimously. Senator Healy will carry the bill on the Senate floor.

ACTION ON HOUSE BILL 544: Chairman Etchart said this is the bill on the habitual offender that closes the loophole created last session. He said that he is bothered because there are a lot of people who need a driver's license to hold down a job. Senator Graham said that maybe it will give them something to think about, and they can always catch a ride with someone. Chairman Etchart ruled that the Committee would hold the bill until Shaun Simon could look up some background information on the bill for the Committee.

ADJOURNMENT: There being no further business discussed, the meeting was adjourned at 2:00 p.m.

Mark Etchart

SENATOR MARK ETCHART, CHAIRMAN

ROLL CALL

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) | ✓ | | |
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Each Day Attach to Minutes.

NAME: Larry MATERUS DATE: 3/3/79

ADDRESS: _____

PHONE: 3800

REPRESENTING WHOM? Motor Vehicle Division

APPEARING ON WHICH PROPOSAL: 513, 544, 432, ~~513, 544~~

DO YOU: SUPPORT? AMEND? 352 OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: D. B. Today DATE: 3-3-79

ADDRESS: Helena

PHONE: 449-3000

REPRESENTING WHOM? MHP

APPEARING ON WHICH PROPOSAL: HB 513 + HB 544

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

RECEIVED SECTION
NOV 18 1977
MONTANA HIGHWAY PATROL

ATTACHMENT "B"

Nov 16 1977
[Handwritten signature]

IN THE DISTRICT COURT OF THE ~~7TH~~ JUDICIAL DISTRICT OF
THE STATE OF MONTANA
IN AND FOR THE COUNTY OF ~~DEER LODGE~~

| | | |
|-----------------------------|---|--------------------------|
| STATE OF MONTANA, |) | CAUSE NO. 12452 |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | ORDER MODIFYING JUDGMENT |
| |) | |
| STATE OF MONTANA |) | |
| |) | |
| Defendant. |) | |

It is Ordered that the judgment of this Court in the above
entitled case previously entered on May 11, 1977, be and the same is
hereby modified so as to strike that portion of the judgment which ordered
the suspension of Defendant's Montana Drivers License and in lieu
thereof substitute an order which shall direct the Motor Vehicle
Division of the Montana Justice Department to issue a restricted
probationary drivers license on the condition that the Defendant attend
a driver improvement school or alcoholic treatment program as the
Motor Vehicle Division of the Montana Justice Department may direct.

Dated this 16th day of November, 1977

[Handwritten signature]
District Judge

STATE OF MONTANA }
County of Deer Lodge }

I, ~~MAURICE~~ *[Name]*, Clerk of the District Court of the ~~7TH~~ Judicial District of the
State of Montana, in and for the County of ~~DEER LODGE~~, do hereby certify that the
above is a full, true and correct copy of the original as the same appears in the files
and records of this office.

WITNESSE my Hand and Seal of this Court this 17th day of November, 1977

[Handwritten signature] Clerk

*William L. Romine
Natl. Automotive Dismantlers
& Recyclers Association
P.O. Box 1691, Helena.
442-2220
Support*

~~_____~~
EXPLANATION OF HOUSE BILL 322.

Under the present law, the Highway Patrol, the sheriff, or the city police are to take possession of abandoned vehicles. The law allows the various law enforcement agencies to enter into contracts with wreckers or wrecking yards to do the actual picking up of these abandoned vehicles.

Also under the present law, the sheriff, in each instance, is required to make certain searches to discover the name and address of the owner of the vehicle and any lienholder. After doing so, he is then required to send certain notices to the owner or lienholder, including information as to the whereabouts of the vehicle, towing fees and storage charges, and a notice that if the fees and charges are not paid within a certain period of time, the vehicle will be sold at a public sheriff's sale.

House Bill 322 amends the law to allow a motor vehicle wrecking facility, which is licensed by the State under the Wrecking Yard Act, and which has possession of the abandoned vehicle under its contract with the law enforcement agency to make search and give the notices. The Bill does not require that the wrecking yard perform these services but only makes it optional. If the wrecking yard does perform these services, it is then required to give satisfactory proof to the sheriff.

This Bill is introduced because, in some areas of the State, the sheriff's office is not necessarily equipped to handle this type of operation. Because of a lack of manpower, or because of local temporary problems, the sheriffs would prefer that this matter be handled by the licensed wrecking yard. In most of the areas of the State, there is no

1 IN THE DISTRICT COURT OF THE [REDACTED] JUDICIAL DISTRICT OF THE
2 STATE OF MONTANA, FILED FOR THE COUNTY OF [REDACTED]

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NO. 43173

DRIVER EXAMINATION SECTION
RECEIVED
JAN 23 1979
MONTANA HIGHWAY PATROL

* * * * *

11 This matter came on regularly for hearing on the 17th day
12 of January, 1979, pursuant to an order to show cause issued out
13 of this court. The plaintiff was represented by [REDACTED]
14 Deputy County Attorney of [REDACTED], and the defen-
15 ant appeared in person with his counsel, [REDACTED].
16 The court, having heard and considered the testimony presented
17 and being fully advised in the premises, rendered its judgment
18 as follows:

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 20 1. That [REDACTED] is a habitual traffic offender
21 as defined in Section 31-177, R.C.M. 1947.
- 22 2. That [REDACTED] immediately surrender to the
23 court his license to operate a motor vehicle upon the streets
24 and highways of the State of Montana.
- 25 3. That the clerk of the above-entitled court file a copy
26 of this order, together with the defendant's driver's license
27 with the Montana Highway Patrol Bureau.
- 28 4. That [REDACTED] shall not be issued a license.

EXAMINATION SECT
OCT 11 1977
MONTANA HIGHWAY PATROL

1 IN THE DISTRICT COURT OF THE [REDACTED] JUDICIAL DISTRICT OF THE
2 STATE OF MONTANA, IN AND FOR THE COUNTY OF [REDACTED]

3 STATE OF MONTANA, ex rel Joe R. Sol,) No. 28,137
4 Chief of the Montana Highway Patrol,)
5 Plaintiff,)
6 -vs-) ORDER
7 [REDACTED],)
8 Defendant.)

9 This matter coming on for hearing on the 27th day of September,
10 1977; the plaintiff being represented by the [REDACTED] County Attorney's
11 office; the defendant appearing in person and with her attorney, [REDACTED]
12 [REDACTED], evidence having been introduced on behalf of the
13 plaintiff that the defendant is the same person named in the verified
14 complaint; that the defendant has accumulated thirty (30) points under
15 §31-177, RCM 1947, since December 31, 1975; and the Court having con-
16 sidered said evidence and being fully advised in the premises; Now,
17 Therefore,

18 IT IS HEREBY ORDERED that the above-named defendant, [REDACTED]
19 [REDACTED], is adjudged a habitual traffic offender and is Ordered
20 to surrender to the Court her license to operate a motor vehicle on
21 the streets and highways of this State and that said defendant shall
22 not be issued a license to operate a motor vehicle in this State for
23 a period of three (3) years from the date of this Order.

24 The Court hereby recommends that the Division of Motor Vehicles
25 of the State of Montana issue a restricted probationary license in
26 lieu of the suspension hereinabove ordered on the grounds that the
27 defendant has attended a driver improvement school and is undergoing
an alcoholic treatment program.

IT IS FURTHER ORDERED that should the Division of Motor Vehicles
of the Department of Justice, State of Montana, issue a restricted
probationary license, the defendant shall file a written report
quarterly, or every three (3) months, with this Court outlining all
alcoholic functions that the defendant has attended, along with any
driver improvement schools that the defendant has availed herself;
that this report shall be due within ten (10) days after the 31st
of December, 1977, and quarterly thereafter; that a copy of this
report shall be furnished to the office of the [REDACTED] County Attorney
and any other law enforcement agencies requesting the same.

IT IS FURTHER ORDERED that since the defendant has waived any
privilege that she might have in attending any alcoholic program,
that anyone involved in said alcoholic program shall report to the

STANDING COMMITTEE REPORT

March 3 19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 322

Harrington (Hager)

Respectfully report as follows: That House Bill No. 322

BE CONCURRED IN

DO PASS

M/E

STANDING COMMITTEE REPORT

March 3 19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 352

Kessler (Hager)

Respectfully report as follows: That House Bill No. 352

third reading bill, be amended as follows:

1. Page 2, line 1.

Following: "to"

Strike: "the upper left-hand corner of"

2. Page 2, line 2.

Following: "use"

Insert: "in accordance with instructions by the division"

~~DO PASS~~

And, as so amended, BE CONCURRED IN

STANDING COMMITTEE REPORT

March 3 1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 432

Menahan (Healy)

Respectfully report as follows: That House Bill No. 432

DO PASS
BE CONCURRED IN

ME