

MINUTES OF THE MEETING OF THE HIGHWAYS AND TRANSPORTATION COMMITTEE  
JANUARY 20, 1981

The House Highways and Transportation Committee convened in Room 437 of the Capitol Building on Tuesday, January 20, 1981, at 12:35 p.m. with CHAIRMAN PAUL KROPP presiding and twelve members present (excused was Rep. Iverson and Reps. Brand, Fabrega, and Kanduch were absent).

CHAIRMAN KROPP opened the meeting to a hearing on HOUSE BILL 218.

HOUSE BILL 218 REP. GERALD KESSLER, sponsor, presented the bill. This bill would eliminate the requirement for county designation numbers on personalized license plates. The original law was passed last session because counties were having problems with people living in one area but establishing an address in another area to pay license fees at a lower rate. REP. KESSLER stated that if the flat fee bill or bills go into effect, this will become a moot issue.

DARYLL SCHOEN of the Motor Vehicle Division in Deer Lodge spoke as a proponent stating that his department is not opposed to having the designation taken off.

There were no OPPONENTS.

During questions from the committee, REP. ANDERSON asked the status of the flat fee bills. REP. KESSLER replied that there are eight flat fee bills and if any one of them goes into effect, there will be no need for HB 218. There would also be no need for county designation numbers on personalized plates because everyone would be paying the same.

LARRY MAJERUS of the Motor Vehicle Division said they have no problem with the designation being removed. Some counties seem to have a problem with identification, but they can use the computer to solve that.

REP. KESSLER closed on the bill.

HOUSE BILL 226 REP. JAMES SCHULTZ, chief sponsor, presented this bill. See Exhibit 1. This bill is to put teeth into a law that is already on the books. There is no recourse when there is no insurance.

LARRY MAJERUS of the Motor Vehicle Division spoke as a proponent. He said his department supports the concept of this bill. Would like to see page 1, line 22 "revocation" changed to "suspension". Under suspension the person is not allowed to drive for a period of time. Under revocation the license is taken away and there are certain requirements i.e. tests before a new one would be

issued. MR. MAJERUS stated that his department would like to see the proof of insurance carried in the vehicle the same as proof of registration. They would like to have a uniform card or form issued by the counties and approved by the Motor Vehicle Division.

LARRY TOBIASON, Executive Secretary of the Montana Automobile Association, also spoke in favor of HB 226. He said that with a fine of only \$25, people buy insurance, get the plates and drop the insurance. They then take the chance on driving without insurance. He felt a much higher fine should be imposed.

There were no OPPONENTS.

Under questions from the committee, REP. MEYER asked who would furnish the card for proof of insurance. MR. MAJERUS replied that the insurance companies would issue the cards. His department works with insurance companies on other matters and could work this out too. There is some basic information that should be included on a proof of insurance form. Could use any type of form as long as it meets some standards.

REP. METCALF asked what recourse could be taken when the offender has no money, cannot pay for damages and cannot pay a fine. REP. SCHULTZ stated that a fine will be imposed. Could even constitute a jail term.

REP. WALLIN asked how this affects someone who needs a vehicle to drive to work. REP. SCHULTZ said the person would still be able to use the vehicle for that purpose. MR. MAJERUS said a provisional license could be issued under suspension but not under revocation.

REP. ABRAMS asked if each driver would have to carry a card as they do a driver's license. MR. MAJERUS replied that would be the best system.

CHAIRMAN KROPP said there are some other bills pending on this same issue and that all of them will probably be combined either in this committee or in the Judiciary Committee.

REP. SCHULTZ then closed by saying that the State of Montana certainly needs a good, enforceable law.

EXECUTIVE SESSION    HOUSE BILL 218    REP. HARP moved to table HB 218.    Seconded by REP. SHONTZ.    PASSED UNANIMOUSLY.

HOUSE BILL 226    REP. SHONTZ moved to hold HB 226 until other bills come through.    Seconded by REP. WALLIN.    PASSED UNANIMOUSLY.

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REP. HARP brought up the subject of the boundaries of the Highway Commission. There are five commissioners covering five districts. He said he would like to see the boundaries changed to possibly cover seven districts instead of five having six commissioners and a chairperson. This would give the public more authority as to who is on the commission if the areas were smaller.

REP. SHONTZ stated that there is also a need to look at the highway financial districts.

REP. STOBIE moved that a sub-committee be appointed to study it. REP. WALLIN seconded the motion. REP. ANDERSON mentioned this might entail proposing a committee bill. PASSED UNANIMOUSLY.

CHAIRMAN KROPP then appointed a sub-committee of REP. HARP, who will serve as chairman, REP. SHONTZ and REP. HEMSTAD.

The meeting was adjourned at 1:15 p.m.

Respectfully submitted,

  
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PAUL KROPP, CHAIRMAN

Ellen Engstedt, Secretary

## VISITORS' REGISTER

HOUSE HIGHWAYS & TRANSPORT COMMITTEE

BILL 218  
 ONSOR Kessler

Date 1/20/81

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE      Highways & Transportation  
COMMITTEE

1/20/81  
Date

SPONSOR ~~Briggs et al~~ SCHEUTZ

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

PRESENTED BY JAMES SCHULTZ - HB 226

MR. CHAIRMAN, AND MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS JAMES SCHULTZ, REPRESENTATIVE FOR DISTRICT 48. THE BILL THAT I BRING YOU THIS AFTERNOON IS HB 226.

"AN ACT ESTABLISHING A FINE AND REQUIRING REVOCATION OF AN OPERATOR'S OR CHAUFFER'S LICENSE FOR FAILURE TO INSURE A MOTOR VEHICLE AGAINST LIABILITY, REQUIRING THAT PROOF OF INSURANCE BE CARRIED IN THE VEHICLE; PROVIDING AN EFFECTIVE DATE; AND AMENDING SECTIONS 61-5-205, 61-6-302, AND 61-6-304 MCA."

FOR YOUR INFORMATION:

SECTION 61-5-205, DETAILS WITH WHO MAY BE LICENSED.

SECTION 61-6-301, DETAILS THE LAW REQUIRING MOTOR VEHICLE INSURANCE.

SECTION 61-6-302, DETAILS PROOF OF COMPLIANCE.

SECTION 61-6-304, DETAILS PENALTIES.

READING THROUGH THE BILL ON PAGE 1, LINE 22 FOLLOWING "PUNISHABLE" - AS PROVIDED IN 61-3-601 IS STRICKEN AND THE FOLLOWING IS ADDED ON LINES 23,24,25 "BY A FINE OF NOT MORE THAN \$1000 AND REVOCATION, UNDER 61-5-205 OF ANY OPERATOR'S OR CHAUFFER'S LICENSE HELD BY THE PERSON CONVICTED." (THE NEW BILL CONTINUES ON PAGE 2, LINE 22-25.)

"SECTION 3. FAILURE TO POSSESS PROOF OF INSURANCE OR BOND IN A FORM PROVIDED BY THE INSURER OR INDEMNIFIER AND APPROVED BY THE DIVISION, OR PROOF OF EXEMPTION OR SELF-INSURANCE, IN A FORM APPROVED BY THE DIVISION, IN EACH VEHICLE REQUIRED TO (PAGE 3) BE COVERED BY INSURANCE AS PROVIDED IN 61-6-301

CONSTITUTES PROBABLE CAUSE OF A VIOLATION OF 61-6-301 THROUGH 61-6-304, AND A CITATION MAY BE ISSUED ON THE BASIS OF SUCH FAILURE."

PAGE 4, LINES 7-9. SECTION 7 IS ADDED STATING; "FAILURE TO PRODUCE CONTINUOUS LIABILITY INSURANCE OF ANY MOTOR VEHICLE REGISTERED AND OPERATED IN MONTANA IN VIOLATION OF 61-3-301 THROUGH 61-6-304.

READ REPORT BY LEGISLATIVE RESEARCH DEPT. "MOTORCYCLES....

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, BASICALLY WE HAVE ATTEMPTED TO SOLVE SOME OF THE PROBLEMS IN THE PRESENT LAWS WITH THE LEAST AMOUNT OF PAPER WORK AND THE LEAST AMOUNT OF WORK FOR THOSE AGENCIES REQUIRED TO ENFORCE OUR LAWS.

I HAVE DISCUSSED THE PROBLEM OF UNINSURED DRIVERS WITH LAW ENFORCEMENT OFFICERS, INSURANCE AGENTS, AND CITIZENS. THE STORIES OF CITIZENS FACED BY A BLANK WALL BECAUSE OF NO INSURANCE ARE LEGION. WE NEED AN EFFECTIVE LAW NOW.

I AM NOT SURE THAT THIS IS THE BEST FORM TO TAKE BUT IT WILL GET THEIR ATTENTION. IF THE COMMITTEE DEEMS IT BEST TO WRITE A NEW OR AMENDED BILL, IT IS FINE WITH ME, BUT LET'S CHANGE THE PRESENT SITUATION.