

MINUTES OF THE MEETING OF THE HIGHWAYS AND TRANSPORTATION COMMITTEE
JANUARY 22, 1981

The House Highways and Transportation Committee convened in Room 437 of the Capitol Building on Thursday, January 22, 1981, at 12:30 p.m. with CHAIRMAN PAUL KROPP presiding and fifteen members present (excused was REP. HEMSTAD).

CHAIRMAN KROPP turned the meeting over to VICE-CHAIRMAN MEYER. VICE-CHAIRMAN MEYER then opened the meeting to a hearing on HOUSE BILL 253.

HOUSE BILL 253 REP. PAUL KROPP, sponsor, presented the bill which would allow the operators of police and authorized emergency vehicles discretion in the use of audible or visual signals.

CAPTAIN WALT MILLER of the Montana Highway Patrol spoke as a proponent of the bill. His agency supports the bill because the law as written now doesn't give the operators of emergency vehicles the option of using or not using lights and/or sirens. They are presently required to use both audible and visual signals. With ambulances particularly the use of sirens can prove detrimental to the patient. The operators should have the option to use whatever they need.

LARRY MAJERUS of the Motor Vehicle Division also spoke as a proponent. The public objects to the use of the sirens when unnecessary i.e. at night. MR. MAJERUS felt this bill would not change the liability situation that might occur in an accident.

DREW DAWSON of the Emergency Medical Services Bureau spoke in support of this bill. In many cases, the patient should not be overly excited. This is especially true of heart attack patients. The lights really do not create a problem but the sirens do.

LLOYD LINDEN of Linden Ambulance Service, Helena, supported the bill also. He felt the patient care is primary to ambulance drivers and they must do what is best.

JOHN BAINES, a Registered Nurse, said, in support, that once the siren is turned on, the patient anxiety level goes up. It is detrimental to the patient. The speed can also be a problem.

There were no OPPONENTS.

During questions from the committee, REP. BRAND asked what this bill would do to insurance rates in a situation without sirens. MR. MAJERUS replied that they do not expect a raise in accident rates. It is still the responsibility of the ambulance to use the siren if necessary. They are relieved of the liability.

REP. KANDUCH asked if blue lights were involved in this. CAPTAIN MILLER said no, only police vehicles use blue lights.

REP. FABREGA asked what training an ambulance driver needs. MR. DAWSON explained the training procedures, part of which is driver training of an ambulance. Also stated that probably only 10 to 15% of cases with patients need sirens.

REP. KROPP closed on the bill by saying it is a bill to help save lives and to protect the patient.

VICE-CHAIRMAN MEYER then opened to a hearing on HOUSE BILL 254.

HOUSE BILL 254 REP. PAUL KROPP, sponsor, presented this bill which is written to clarify the actions to be taken to remove an unattended vehicle from a roadway.

CAPTAIN WALT MILLER of the Montana Highway Patrol spoke as a proponent of this bill stating that it would enable the Highway Patrol to remove a vehicle from the highway that is causing a problem. There is currently a law covering abandonment using a 48-hour time period. This new law would give the Patrol the authority to get a vehicle that is obstructing traffic off of the road without waiting 48 hours. With HB 254, the Patrol could have a wrecker, if necessary, move the vehicle to a place of safety.

There were no OPPONENTS.

Under questions from the committee, REP. FABREGA asked what the law reads now. CAPTAIN MILLER explained that the law says the owner must be notified within 72 hours if the vehicle has been abandoned. After 30 days it may be sold. REP. FABREGA then asked if HB 254 would permit the Patrol to remove the vehicle if it constituted a hazard. The answer was yes.

REP. STOBIE questioned what a hazard constitutes. REP. METCALF asked what would be considered obstructing traffic. CAPTAIN MILLER said it would be a judgement decision on the part of the Highway Patrolman. If it is in the interest of safety, the vehicle must be removed. REP. FABREGA asked if a citizen could prove that it was not a hazard. CAPTAIN MILLER replied that the burden of proof would be on the officer.

REP. WALLIN asked if the Patrol has problems getting wrecker service for this type of call. CAPTAIN MILLER said yes because the wrecker owner stands a chance of not getting his fee. The vehicle must be towed to wherever there is a facility to store safely.

REP. STOBIE asked what constitutes a legally parked vehicle. CAPTAIN MILLER said if the vehicle is not obstructing traffic,

it is not a problem.

REP. KROPP closed the bill saying it is designed for the protection of the travelling public and that it should be passed.

VICE-CHAIRMAN MEYER opened to a hearing on HOUSE BILL 255.

HOUSE BILL 255 REP. PAUL KROPP, sponsor, presented this bill which provides for an increased turn signaling distance outside business, residential, or urban districts.

CAPTAIN WALT MILLER of the Montana Highway Patrol spoke as a proponent of HB 255. He said the current law provides for a 100-foot continuous signal before turning. The same law applies on the highway. He feels too short a signal can cause a problem. At 55 mph a car travels 82 feet a second. At the same speed, the stopping distance is about 200 feet. He would like to see the distance changed to 500 feet to give more warning.

There were no OPPONENTS.

Under questions from the committee, REP. FABREGA asked if it was necessary to change the law in order to put this in the driver's manual. CAPTAIN MILLER said yes. Also said the Patrol would give the law plenty of publicity before starting to enforce it.

REP. BRAND asked if the 500 feet conforms to laws of other states. CAPTAIN MILLER said he did not know.

REP. KROPP closed on the bill saying this bill addresses avoiding accidents.

EXECUTIVE SESSION HOUSE BILL 253 REP. STOBIE moved that HB 253 receive a DO PASS. Seconded by REP. ZABROCKI and PASSED UNANIMOUSLY.

HOUSE BILL 254 REP. FABREGA moved the committee adopt an amendment which would change line 23 on page 1 to read "serious" obstruction. Seconded by REP. WALLIN. Discussion included what would have to be included as serious. REP. ZABROCKI said 48-hours should be included. GREG PETESCH, staff attorney, replied that the law already reads 48-hours.

Question called on the amendment. MOTION TO AMEND FAILED.

REP. BRAND felt the Patrol hadn't proven there is a problem. Others felt there is a problem but simply that exact figures are not available. There was concern that towing would be done unnecessarily. REP. IVERSON felt the Patrol did not abuse their authority.

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Motion to DO PASS passed with REPS. BRAND and ZABROCKI opposing.

HOUSE BILL 255 REP. FABREGA moved to pass. Seconded by REP. IVERSON.


REP. FABREGA said he wanted to see the bill amended to read "300" instead of "500" feet. REP. STOBIE moved that line 4 on page 2 be amended to read "300" feet. REP. FABREGA seconded and it PASSED UNANIMOUSLY.

REP. BRAND expressed his concern as to what other states do so we can conform to them. REP. FABREGA thought maybe this time Montana could be the leader.

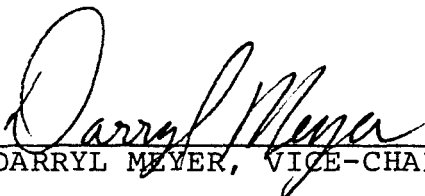
HOUSE BILL 255 PASSED AS AMENDED.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,



PAUL KROPP, CHAIRMAN



DARRYL MEYER, VICE-CHAIRMAN

Ellen Engstedt, Secretary

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

Date 1/22/81

ONSOR KROPP

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

Date 1/22/81

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.