

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 27, 1981

The fourth 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: Present: Senator Etchart, Senator Hager, Senator Tveit, Senator Manning, Senator Graham, Senator Healy, Senator Stimatz. Absent: Senator Hazelbaker. Excused: Senator Elliott.

CONSIDERATION OF SENATE BILL NO. 185:

Senator Graham, District 29, Chief Sponsor of SB185 told the committee this was an act to amend the definition of terms in the proportional vehicle registration law, and to clarify the provisions pertaining to fees and credits; and to clarify the penalty provisions for violations of the statutes and agreements entered into with other jurisdictions.

Senator Graham went through the bill section at a time and pointed out the amendments. He then introduced Mr. Jim Beck, Chief Legal Counsel for the Department of Highways.

Mr. Beck told the committee Senate Bill No. 185 was introduced at the request of the Department of Highways. It amends certain statutes that govern the proportional registration of interstate fleets of vehicles. As you know, Montana and non-Montana carriers who travel in several states are given the option of proportionally registering their vehicles. Simply stated this means that the operator pays taxes and fees in each state in proportion to the amount of mileage that is traveled in a state to his total mileage.

In order to facilitate this the Department has entered into agreements with other states. One of these agreements is the International Registration Plan which presently covers 28 jurisdictions. The amendments in this bill for the most part conform Montana law to the International Registration Plan.

Section 1 merely changes the term "commercial" to apportionable. This is the same language used in the Plan.

He told the committee that Section 2 on page 4 changes the word "shall" to "may". This would allow jurisdictions or operators to send in his fees and the Department would not be required to recompute them in every instance.

Also, Section 3 on page 6 is an attempt to clarify what

a credit can be applied against. As now written the statute now speaks of "subsequent additions to the fleet". By using the terms "additional fees due" it is clear what the credit may be applied against.

He pointed out in Section 4 on page 6 amends the provisions relating to the suspension of the pro-rate provision. As it is presently written the section authorizes the Department of Highways to suspend or cancel the provisions only if the International Registration Plan permits it. The Plan does not contain any such provision. Problems occur with a few operators who deliberately understate their mileage in states in order to gain advantage. While these can be collected after an audit, there is a need to have some way to suspend or threaten to suspend the pro-rate privileges of persistent violators.

Senator Etchart asked if there were any other proponents. There were none.

Senator Etchart asked if there were any opponents. There were none.

Senator Etchart asked if there were any questions from the committee.

Senator Graham asked Mr. Beck how they could record how many miles the truckers traveled in this state.

Mr. Beck told the committee they could do this through audits. When auditing, they check the bills of lading and can get a pretty close idea of how many miles they have traveled and where they have traveled.

Senator Graham asked about the out of state truckers and how they checked on them.

Mr. Beck said they rely on the audits conducted by that truckers state.

Senator Manning asked Mr. Beck what proportion of the truckers do you have trouble with.

Mr. Beck replied they have problems with very few. The few problems that we have are the persistent ones. They keep their records in their truck.

Senator Etchart asked if there were any other questions. There were none. The hearing was closed on Senate Bill No. 185.

January 27, 1981

CONSIDERATION OF SENATE BILL NO. 186:

Senator Graham, District 29, Chief Sponsor of SB186 told the committee this is an act to amend section 61-8-202, MCA, to clarify which traffic control manual the Department of Highways shall adopt. He introduced Jim Beck, Chief Legal Counsel, from the Department of Highways.

Mr. Jim Beck, Department of Highways, told the committee that Senate Bill No. 186 was introduced at the request of the Department of Highways. The purpose of the bill is to clarify which traffic control manual the Department of Highways is required to adopt. As can be seen, this section formerly specified a manual that was published in 1958. That particular manual is no longer published and the manual on uniform traffic control devices has replaced it.

He said the manual on uniform traffic control devices specifies the type and use of traffic signs, signals and markups. It is the method whereby the uniformity of traffic markings is maintained throughout the nation.

He showed the committee the new manual, and said he would be glad to answer any questions the committee had regarding it. He added that all this manual really does is when you put up any sort of traffic control device anywhere in the United States, you follow this manual. Every State is using this manual for uniformity. We have had some problems prior to using this manual, in that several law suits involving negligent design or failure to maintain traffic signals pointed out that we had not followed what was specified in the new manual.

Senator Healy asked how many states have this manual.

Mr. Beck said all the states have the manual. We have been using this, just slightly illegal.

Senator Etchart asked if there were any other questions. There were none. The Hearing on SB186 was closed.

Senator Etchart asked the committee how they felt about holding these bills over until the next meeting and take action on them at that time, so we could think about them.

Senator Graham said he did not see any reason to hold over these two bills, as there was no conflicting testimony, they are just housekeeping bills.

Senator Tweit and Healy agreed.

January 27, 1981

ACTION ON SENATE BILL NO. 186:

Senator Graham made the motion that SB186 do pass. All Senators present voting yea, the motion carried.

ACTION ON SENATE BILL NO. 185:

Senator Graham made the motion that SB185 do pass. All Senators present voting yea, the motion carried.

ADJOURNMENT:

There being no further business of the Highways and Transportation Committee, the meeting was adjourned.



Senator Mark Etchart

ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 1-26-81

NAME	PRESENT	ABSENT	EXCUSED
SENATOR MARK ETCHART	✓		
SENATOR TOM HAGER	✓		
SENATOR FRANK W. HAZELBAKER		✓	
SENATOR ROGER H. ELLIOTT			<i>late</i> ✓
SENATOR LARRY J. TVEIT	✓ <i>late</i>		
SENATOR DAVE MANNING	✓		
SENATOR CARROLL GRAHAM	✓		
SENATOR JACK HEALY	<i>late</i> ✓		
SENATOR LAWRENCE G. STIMATZ	✓		
VERDON - Legislative Council	✓		

Each day attach to minutes.

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In order to facilitate this the Department has entered into agreements with other states. One of these agreements is the International Registration Plan which presently covers 28 jurisdictions. The amendments in this bill for the most part conform Montana law to the International Registration Plan.

Section 1 merely changes the term "commercial" to apportionable. This is the same language used in the Plan.

Section 2 on page 4 changes the word "shall" to "may". This would allow jurisdictions or operators to send in his fees and the Department would not be required to recompute them in every instance.

Section 3 on page 6 is an attempt to clarify what a credit can be applied against. As now written the statute now speaks of "subsequent additions to the fleet". By using the terms

"additional fees due" it is clear what the credit may be applied against.

Section 4 on page 6 amends the provisions relating to the suspension of the pro-rate provision. As it is presently written the section authorizes the Department of Highways to suspend or cancel the provisions only if the International Registration Plan permits it. The Plan does not contain any such provision.

Problems occur with a few operators who deliberately understate their mileage in states in order to gain advantage. While these can be collected after an audit, there is a need to have some way to suspend or threaten to suspend the pro-rate privileges of persistent violators.

JRB:snk:10E

SENATE BILL NO. 186

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The manual on uniform traffic control devices specifies the type and use of traffic signs, signals and markups. It is the method whereby the uniformity of traffic markings is maintained throughout the nation.

JRB:snk:l0D

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1-27-81 Bill No. SB185 Time _____

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker		
Senator Elliott		
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER
Secretary

Mark Etchart
SENATOR MARK ETCHART
Chairman

Motion: _____

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

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1-27-81 Bill No. SB186 Time _____

NAME	YES	NO
Senator Mart Etchart	✓	
Senator Tom Hager	✓	
Senator Frank Hazelbaker		
Senator Elliott		
Senator Tveit	✓	
Senator Manning	✓	
Senator Graham	✓	
Senator Healy	✓	
Senator Stimatz	✓	

CAROL DOYLE FRASIER
Secretary

Mark Etchart
SENATOR MARK ETCHART
Chairman

Motion: _____

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

STANDING COMMITTEE REPORT

January 27

19 81

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate

Bill No. 186

Respectfully report as follows: That Senate

Bill No. 186

DO PASS

STANDING COMMITTEE REPORT

January 28

19 81

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill Bill No. 185

Respectfully report as follows: That Senate Bill No. 185

DO PASS