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OF MONTANA

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 10, 1981

The seventh 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; Absent: Senator Stimatz; Excused: Senator Hazelbaker, Senator Elliott.

CONSIDERATION OF SENATE BILL NO. 346:

Senator Graham, Chief Sponsor of SB 346, told the committee this is an act to increase the maximum gross vehicle weight allowed without special permit; to increase the fees charged for certain overweight and oversize permits; to clarify the provisions regarding operation without special permits; and to increase the fee charged for temporary fuel permits.

He said Senate Bill No. 346 was introduced at the request of the Department of Highways for the purpose of increasing various permit fees, to increase the maximum gross weight without a special permit and to clarify the operation of vehicles without special permits.

The permit fee increases are to update fees to a more realistic amount since the most recent change in any of the fees involved was in 1969. Several of the fees have not been changed since 1955. The proposed increases will generate an estimated \$2,400,000 of additional revenue annually.

Section 1 provides for an increase from \$20 to \$30 for temporary special fuel user's permits. The present fee has been in effect since 1961. Raising the fee to \$30 will produce an estimated \$300,000 each year.

Section 2 proposes to remove a permit requirement for vehicles or combinations up to a maximum gross weight of 80,000 pounds when operating within axle limits and the formula specified in Section 61-10-107.

The current law was enacted in 1967 and the purpose of the permit was to allow weights on the Interstate system which exceeded our statutory limits of July 1, 1956. This change would be consistent with a federal law change in 1974 which relaxed weight restrictions on the Interstate system. In addition, it would eliminate the issuance of at least 40,000 permits a year.

He further stated that for vehicle combinations operating above 80,000 pounds, the permit would still be required and the bill proposes a fee of \$20 for a trip permit and \$100 for a term permit. The present fee of \$10 has not been changed since 1967. A revenue loss of about \$50,000 is anticipated from this change.

Section 3 of the bill is to restore Section 61-10-109 to its form prior to recodification and to clarify operation without special permits.

Section 4 proposes to increase the fee for an over dimensional permit to \$10 for a trip permit and \$75 for a term permit. The present \$6 fee for both trip and term permits has been in effect since 1969.

The suggested \$75 for a term permit is consistent with the \$75 term permit that was provided for implement dealers in the last session and the \$10 for a trip permit is to update this fee.

The Department estimates an increase in revenue of \$1,475,000 each year from this change.

Section 5 proposes to update the present fees of \$5, \$15, and \$25 to \$10, \$30 and \$50 for over weight permits. The present fees were enacted in 1955 and this change would generate an estimated \$175,000 each year.

Section 6 proposes to update the present fees of \$5, \$7.50 and \$10 to \$10, \$15 and \$20 for temporary trip permits issued to non-resident motor carriers in lieu of a Montana registration. The present fees were enacted in 1955 and this change would generate an estimated \$500,000 each year.

In summary this bill would do the following:

1. Generate an estimated \$2,400,000 of additional revenue per year for the Department of Highways.
2. Eliminate the issuance of at least 40,000 permits a year which would be of significant benefit to both the trucking industry and the Department.
3. Clarify the status of vehicles beyond legal limits without permits.
4. Update fees on several permits which has not been done in some cases for 26 years.

Senator Graham introduced Beate Golda, Department of Highways.

Beate Golda, Legal Staff, Department of Highways, proposed a new amendment to SB 346, which would:

Page 4, Following line 3.

Insert: (3) This section does not apply to highways which are a part of the national system of interstate and defense highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this state from receiving federal funds for highway purposes.

Ben Havdahl, Montana Motor Carriers Association, spoke in support of SB346 and introduced Larry Huss, also representing the Motor Carriers, who has some proposed amendments.

Larry Huss, handed out the proposed amendment to SB346. He read the amendment as follows:

(1) Amend Title, Line 6, following "weight", insert "and length".

(2) Amend Title, line 11, following "15-70-312", insert "61-10-104"

(3) Amend Section 2, following Line 7, insert "section 2. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length. (1) A single truck, bus, or any self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

(2) A combination of truck and trailer, tractor and semitrailer, tractor-semitrailer-full-trailer, or tractor-semitrailer-semitrailer converted to a trailer by use of a dolly equipped with a fifth wheel may not have an overall length, inclusive of front and rear bumpers, in excess of 60 65 feet. If the combination consists of more than two units, the rear units of the combination shall be equipped with breakaway brakes.

(3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw more than two motor vehicles attached to it by the dual saddle-mount method; that is, by mounting the front wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of 60 65 feet.

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturer's rated capacity" may not tow more than one trailer or semitrailer, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of 60 65 feet."

Senator Etchart asked if there were any other proponents to Senate Bill No. 346.

Les Simkins, Governor's Office of Budget and Program Planning said they support SB346.

Don Copley, Department of Highways concurred in prior testimony and said they support SB346.

Senator Etchart asked if there were any opponents to SB 346. There were none.

There being no further testimony, the hearing on SB 346 was closed.

CONSIDERATION OF HOUSE BILL NO. 287:

Representative Fabrega, representing House District No. 44 in Great Falls, told the committee HB 287 is an act to require the Division of Motor Vehicles of the Department of Justice to send to each county assessor and the Department of Revenue a list of the certificates of ownership for housetrailer and mobile homes issued within the county during the preceding calendar quarter; amending section 61-3-101, MCA.

He told the committee this bill was introduced because of a request of a constituent. This person built a house, and as soon as the construction was completed they were taxed on that construction. However, in their immediate area, people moved in with mobile homes and were not taxed. The county keeps tract of new houses through building permits. There is no permit to move a mobile home onto property. This bill will simply require the Division of Motor Vehicles of the Department of Justice to furnish each county assessor and the Department of Revenue a list of the certificates of ownership for house-trailers and mobile homes issued within the county during the preceding calendar quarter. This is a way of helping the Department and the taxpayer.

Senator Etchart asked if there were any further proponents to HB287.

Jess Monroe, Department of Revenue, told the committee he supports HB287.

Representative Fabrega told the committee there was no opposition to this bill when it was heard in the House. This is a very reasonable request for information that would give about 100% help to get taxes paid.

Senator Etchart asked if there were any opponents to HB 287. There were none.

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

Senator Graham asked Representative Fabrega what the difference between a housetrailer and a mobile home is.

Rep. Fabrega said a housetrailer is 8' or less in width, and 32' or less in length. Anything larger than 8'x32' is considered a mobile home.

Senator Graham asked Rep. Fabrega and Paul Verdon to research the possibility of defining this better for future legislation, as he felt this was not clear in the present law.

There being no further testimony, the hearing on HB287 was closed.

ACTION ON HOUSE BILL NO. 287:

Senator Hager made the motion that HB287 be concurred in. All Senators present voting aye, the motion carried.

Senator Graham will carry this bill on the floor of the Senate.

ACTION ON SENATE BILL NO. 346:

Senator Graham made the motion that the committee adopt the amendments from the Montana Motor Carrier's Association. All Senators present voting aye, the amendments were adopted.

Senator Graham made the motion that the committee adopt the amendments from the Highway Department. All Senators present voting aye, the amendments were adopted.

Senator Graham made the motion that SB 346, as amended, do pass. All Senators present voting aye. The motion carried.

ADJOURNMENT:

There being no further business of the Highways and Transportation Committee, the meeting adjourned at 1:40 p.m., until Saturday, February 14th, at 1:00 p.m.



Senator Mark Etchart

ROLL CALL

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/10/81

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

Each day attach to minutes.

SUGGESTED INTRODUCTION FOR SENATE BILL NO.

Senate Bill No. 346 was introduced at the request of the Department of Highways for the purpose of increasing various permit fees, to increase the maximum gross weight without a special permit and to clarify the operation of vehicles without special permits.

The permit fee increases are to update fees to a more realistic amount since the most recent change in any of the fees involved was in 1969. Several of the fees have not been changed since 1955. The proposed increases will generate an estimated \$2,400,000 of additional revenue annually.

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For vehicle combinations operating above 80,000 pounds the permit would still be required and the bill proposes a fee of \$20 for a trip permit and \$100 for a term permit. The present fee of \$10 has not been changed since 1967. A revenue loss of about \$50,000 is anticipated from this change.

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3. Clarify the status of vehicles beyond legal limits without permits.
4. Update fees on several permits which has not been done in some cases for 26 years.

AMENDMENT TO S.B. 346

(proposed by the Department of Highways)

P. 4, Following line 3

Insert:

(3) This section does not apply to highways which are a part of the national system of interstate and defense highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this state from receiving federal funds for highway purposes.

NAME: Private Galda DATE: 2/10/81

ADDRESS: Helena

PHONE: 449-2584

REPRESENTING WHOM? Dept. of Highway

APPEARING ON WHICH PROPOSAL: S.B. 346

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: Amend by moving language struck
on p 3, lines 12-16, to p 4 after line 3 as
insertion (3) (not to be struck)

- (1) Amend Title, Line 6, following "weight", insert "and length".
- (2) Amend Title, Line 11, following "15-70-312", insert "61-10-104".
- (3) Amend Section 2, following Line 7, insert "Section 2. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length. (1) A single truck, bus, or any self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

(2) A combination of truck and trailer, tractor and semitrailer, tractor-semitrailer-full-trailer, or tractor-semitrailer-semitrailer converted to a trailer by use of a dolly equipped with a fifth wheel may not have an overall length, inclusive of front and rear bumpers, in excess of ~~60~~ 65 feet. If the combination consists of more than two units, the rear units of the combination shall be equipped with breakaway brakes.

(3) A motor vehicle may not ^{Tow} ~~two~~ more than one motor vehicle, and a motor vehicle may not draw more than two motor vehicles attached to it by the dual saddle-mount method; that is, by mounting the front wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of ~~60~~ 65 feet.

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturers' rated capacity" may not ^{Tow} ~~two~~ more than one trailer or semitrailer, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of ~~60~~ 65 feet."

all

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/10/51 House Bill No. 287 Time _____

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

Carol Frasier
 CAROL DOYLE FRASIER
 Secretary

Mark Etchart
 SENATOR MARK ETCHART
 Chairman

Motion: Be Concurred In

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

STANDING COMMITTEE REPORT

February 10 1981

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 287

Fabrega
(Graham)

Respectfully report as follows: That House Bill No. 287

BE CONCURRED IN
~~DOUBT~~

J.A.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 2/10/81 ROLL Bill No. 346 Time _____

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

Mark Etchart

CAROL DOYLE FRASIER
Secretary

SENATOR MARK ETCHART
Chairman

Motion: As Amended, In Pass

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

SB 346 - Amendments

1. Title, line 6.

Following: "WEIGHT"
Insert: "AND LENGTH"

2. Title, line 11.

Following: "15-70-312,"
Insert: "61-10-104,"

3. Page 2, following line 7.

Insert: "Section 2. Section 61-10-104, MCA, is amended to read

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4. Page 4, following line 3.

Insert: (3) type language stricken on Page 3

STANDING COMMITTEE REPORT

February 10 19 81

MR. President:

We, your committee on Highways and Transportation

having had under consideration Senate Bill No. 346

Respectfully report as follows: That Senate Bill No. 346

introduced bill no. 346 be amended as follows:

Title, line 6.

Following: "WEIGHT"

Insert: "AND LENGTH"

Title, line 11.

Following: "15-70-312,"

Insert: "61-10-104,"

Page 2, following line 7.

Insert: "Section 2. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length. (1) A single truck, bus, or any self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

DO PASS

CONTINUED

(2) A combination of truck and trailer, tractor and semitrailer, tractor-semitrailer-full-trailer, or tractor-semitrailer-semitrailer converted to a trailer by use of a dolly equipped with a fifth wheel may not have an overall length, inclusive of front and rear bumpers, in excess of 60 65 feet. If the combination consists of more than two units, the rear units of the combination shall be equipped with breakaway brakes.

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(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturers' rated capacity" may not tow more than one trailer or semitrailer, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of 60 65 feet."

Renumber: all subsequent sections

Page 4, following line 3.

Insert: "(3) This section does not apply to highways which are a part of the national system of interstate and defense highways (as referred to in 23 U.S.C. 127) when application of this section would prevent this state from receiving federal funds for highway purposes."

And, as so amended
DO PASS