

MINUTES OF THE MEETING OF THE HOUSE HIGHWAYS AND
TRANSPORTATION COMMITTEE, JANUARY 11, 1983

The meeting was called to order by Chairman Abrams on Tuesday, January 11, 1983 at 12:30pm, in Room 129, State Capitol. All members were present with the exception of Representative Solberg, who was excused.

HEARINGS

HOUSE BILL 32. REP. GAY HOLLIDAY, District 46, Musselshell County, testified as sponsor of the bill, which would prohibit an unsafely loaded or constructed vehicle from operating on State highways. She said exceptions would be made for highway maintenance and construction vehicles, adding a violation would be punishable as provided in 61-8-711, MCA, (exhibit).

PROPOSERS

COL. ROBERT LANDON, Montana Highway Patrol, stated his support of the bill and suggested amending the codification, referring the Committee to Chapter 10, Size-Weight-Load, Transportation, MCA.

MRS. JO BRUNNER, Women Involved in Farm Economics, said enactment of the proposed legislation would encourage individuals to make certain that loads are secure, resulting in safer highways (exhibit).

REP. BROWN asked Col. Landon if language in the bill would apply to all Montana highways. Col. Landon replied he thought it would.

REP. BROWN asked if sifting hay from a vehicle on a country road, while travelling from one parcel of property to another, would constitute a violation. Col. Landon replied if the sifting did not constitute a hazard and the vehicle were properly loaded, there would be no violation, adding Highway Patrol officers would need to use good judgment in such situations.

REP. KOEHNKE asked what the penalty would be for a violation. Col. Landon said if the Size-Weight-Load section were applied, the maximum fine would be \$300.

REP. KEYSER questioned whether the sections referred to by Col. Landon were applicable. Mr. Greg Petesch, Legislative Council Attorney, advised neither Title 61, Chapter 10, Part 1 nor Part 2, seemed applicable.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Rep. Holliday advised the Committee the States of Wyoming and South Dakota have addressed the problem similarly and asked members to give the bill favorable consideration.

QUESTIONS

There were no questions from the Committee and the hearing was closed.

EXECUTIVE SESSION

CHAIRMAN ABRAMS asked Rep. Hemstad if House Bill 102 had been assigned to the Committee in error. Rep. Hemstad replied the bill should be heard with House Bill 12 in Human Services Committee.

HOUSE BILL 102. REP. SHONTZ moved the bill be transferred to the House Human Services Committee.

REP. BROWN questioned whether the Committee could transfer the bill or whether it should be referred to the House for transfer. Rep. Shontz withdrew his motion and committee members determined the bill would be referred to the House floor for transfer.

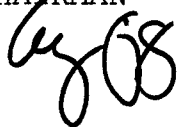
REP. ABRAMS advised members there may be problems with House Bills 9 and 87, as representatives of the Department of Highways would be unable to attend the January 13, 1983, hearing.

REP. O'CONNELL moved the bills be heard on Tuesday, January 18, 1983. Rep. Keyser told her there was insufficient time to cancel the hearing and suggested the Committee hear the bills and reopen the hearing at a later date, if necessary. Committee members agreed with Rep. Keyser's suggestion and Rep. O'Connell withdrew her motion.

The meeting was adjourned at 1pm.


REP. HUBERT ABRAMS, CHAIRMAN

Joann T. Gibson, Secretary



VISITORS' REGISTER

HOUSE COMMITTEE

BILL LB 32

Date 1-18-83

SPONSOR Holliday

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Bill Summary

House Highways and Transportation Committee

HB 32 prohibits an unsafely loaded or constructed vehicle from operating on the highways of this state. Exceptions are provided for highway maintenance and construction vehicles which are supposed to dump their loads on the highways. A violation of this section would be punishable as provided in 61-8-711.

deemed necessary by the municipal authorities for the information of the traveling public.

(3) Signs giving notice that the speed of vehicles may be measured by radio microwaves or other electrical device shall be placed as required for speed signs in subsection (1) above. However, the absence of such signs shall not in itself invalidate an otherwise proper arrest.

History: En. Sec. 3, Ch. 120, L. 1959; amd. Sec. 1, Ch. 205, L. 1974; R.C.M. 1947, 32-2150.3.

61-8-705. Officers or highway patrolmen authorized to remove illegally stopped vehicles. (1) Whenever any police officer or highway patrolman finds a vehicle standing upon a highway in violation of any of the provisions of 61-8-353 through 61-8-355, such officer or highway patrolman is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of such highway.

(2) Whenever any police officer or highway patrolman finds a vehicle unattended upon any bridge or roadway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer or highway patrolman is hereby authorized to provide for the removal of such vehicle pursuant to Title 61, chapter 12, part 4, except that the time limits imposed in 61-12-401 do not apply to removal under this subsection.

History: En. Sec. 97, Ch. 263, L. 1955; R.C.M. 1947, 32-21-100; amd. Sec. 1, Ch. 71, L. 1981.

Compiler's Comments

1981 Amendment: Substituted "roadway" for "causeway" near beginning of (2) and the final

phrase beginning with "pursuant to Title 61 . . ." for "to the nearest place of safety".

61-8-706. Removal of unauthorized sign. (1) An unauthorized sign, emblem, marker, or traffic-control device or portion thereof encroaching into, over, or upon a right-of-way of a state highway or controlled-access highway is a public nuisance, and the department may remove it or cause it to be removed without notice and without liability for the removal.

(2) Every sign, signal, or marking prohibited by 61-8-210 is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

History: (1)En. Sec. 31, Ch. 263, L. 1955; amd. Sec. 1, Ch. 224, L. 1959; amd. Sec. 53, Ch. 316, L. 1974; Sec. 32-2134, R.C.M. 1947; (2)En. Sec. 37, Ch. 263, L. 1955; Sec. 32-2140, R.C.M. 1947; R.C.M. 1947, 32-2134(f), 32-2140(e).

61-8-707 through 61-8-710 reserved.

61-8-711. Violation of chapter — penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is declared to be a felony by this chapter or other law of this state.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter, the person shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent

conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

(3) On failure of payment of a fine, the offender in case of a misdemeanor shall be imprisoned in the county jail in the county in which the offense was committed, and the imprisonment shall be computed upon the basis of one day's incarceration for each \$2 of the fine.

(4) Upon conviction, the court costs or any part thereof may be assessed against the defendant in the discretion of the court.

History: En. Sec. 154, Ch. 263, L. 1955; R.C.M. 1947, 32-21-157; amd. Sec. 70, Ch. 421, L. 1979.

61-8-712. Penalty for erection of unauthorized sign. The erection of a sign, emblem, marker, or traffic-control device in violation of 61-8-200

January 12, 1983

AMENDMENTS, HOUSE BILL 32

1. Page 1, Line 19
Following: "chapter"
Strike: "8"
Insert: "10"

Following: "part"
Strike: "3"
Insert: "1"

2. Page 1, Line 20
Strike: "8"
Insert: "10"

WIFE Women Involved in Farm Economics



Mr. Chairman, Members of the committee for the record, My name is Jo Brunner and I represent the Women Involved in Farm Economics organization today. We wish to go on record as concurring with this bill, House bill 32 which would, if enforced, certainly make our highways a safer place to travel.

We don't not all have the hazards presented to you by Mrs. Holliday as far as wood products are concerned, but many of us do have extensive problems with hay bales, fertilizer and cement sacks, and various other items that have fallen from vehicles using our highways. As I traveled to Helena two weeks ago, at dusk I came over a rise in the highway between Simms and Boumans corner to find a bale of hay in the center of the road.

If any of you are acquainted with that narrow highway, you can appreciate the fact that there were no vehicles coming from the opposite direction right then.

We are aware that this alone will not take care of the problem but we do feel that enforcements of such a law will certainly encourage those carrying materials such as loose lumber, hay and stray bales, sacks of fertilizer, animal feed and cement to name just a few will be encouraged to make sure their loads are tied down or covered over to keep them from littering our highways and causing dangerous problems to the rest of us.

Thank You