

MINUTES OF THE MEETING OF THE HOUSE HIGHWAYS AND
TRANSPORTATION COMMITTEE, FEBRUARY 5, 1983

The meeting was called to order by Chairman Abrams on Saturday, February 5, 1983, at 2pm, in Room 129, State Capitol. All members of the Committee were present.

EXECUTIVE SESSION

HOUSE BILL 488. The bill was referred back to the Committee by the House for a Statement of Intent, which was read to the Committee by Mr. Greg Petesch, Legislative Council Attorney.

REP. STOBIE moved the Statement of Intent be approved. The motion was seconded by Rep. Brown and unanimously approved by the Committee.

HOUSE BILL 320. MR. PETESCH explained proposed amendments to the bill and said the sale of property to a local government unit at appraised value had been stricken, allowing for sale of such property by bid.

REP. HAMMOND moved the bill Do Pass.

REP. KEYSER moved the amendments to the bill be approved. The motion was seconded by Rep. Stobie and unanimously approved by the Committee.

REP. KEYSER moved the bill Do Pass as Amended. Rep. O'Connell seconded the motion, which was unanimously approved.

HOUSE BILL 16. REP. SHONTZ moved the bill Do Pass. Mr. Petesch distributed copies of proposed amendments which would phase in increases and strike coordination instructions since "14 cents" was stricken from the bill and "10 cents" inserted.

REP. SHONTZ moved the amendments be approved. Rep. Harp seconded the motion, which was unanimously approved by the Committee.

REP. SHONTZ moved the bill Do Pass as Amended. Rep. Solberg seconded the motion.

REP. BROWN told committee members Rep. Nordtvedt raised the question of applying House Bill 85 applications to passage of the referendum to allow funds to be taken from the cost trust. He said an amendment to this effect would be offered on the House floor or in Taxation Committee.

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The motion made by Rep. Shontz was approved with ten members voting aye and seven voting no, (roll call vote).

HOUSE BILL 437. REP. HARP moved the bill Do Pass.

MR. PETESCH distributed amendments from the Department of Highways pertaining to routing and conditions of operation (exhibit).

REP. BROWN moved the amendments to the bill be approved.

REP. STOBIE asked if there were specific driver qualifications. Rep. Brown said drivers are already well-qualified but the bill should establish a rule for driver qualifications.

REP. HARP said the industry would more than likely carefully control who drives its trucks.

REP. KEYSER told the Committee he would not support the bill without the proposed amendments.

REP. SHONTZ moved "driver qualifications" be stricken from the amendments. The motion was seconded by Rep. Stobie and unanimously approved by the Committee.

REP. SHONTZ moved the bill Do Pass as Amended. The motion was seconded by Rep. Lybeck and unanimously approved by committee members.

HOUSE BILL 539. MR. PETESCH, said the amendment would add another section to the bill, wherein the 7% overweight allowance would be reduced to 5% and that the section would apply 5% to axle weight as well as overall weight.

REP. STOBIE asked if the statute would apply to anyone hauling hay. Mr. Petesch replied it would apply to any vehicle.

REP. STOBIE moved the bill Do Pass and then moved the amendments be approved. Rep. Brown seconded the motion, which was unanimously approved by the Committee.

REP. KEYSER moved the bill Do Pass as Amended. The motion was seconded by Rep. Hemstad and unanimously approved.

SENATE BILL 10. REP. SOLBERG moved the bill Be Concurred In. Rep. Hammond seconded the motion, which was unanimously approved.

SENATE BILL 82. MR. PETESCH provided committee members with an amendment to the bill, allowing conformity with the Human Services Committee bill (exhibit). He said there would be no changes in the Prisoner of War plate as the issue was not addressed by the bill sponsor, adding the bill would only authorize individuals to apply for these special plates.

REP. HEMSTAD moved the amendments be approved. Rep. Harp seconded the motion, which was unanimously approved by the Committee.

REP. BROWN moved the bill Be Conncurred In as Amended. The motion was seconded by Rep. Koehnke and unanimously approved by the Committee.

HOUSE BILL 9. CHAIRMAN ABRAMS told the Committee the sponsor of the bill was in the process of preparing amendments and asked that executive action be delayed until February 8, 1983.

The meeting was adjourned at 3pm.


REP. HUBERT ABRAMS, CHAIRMAN

Joann T. Gibson, Secretary

STANDING COMMITTEE REPORT

FEBRUARY 5

83

19.....

MR. **SPEAKER**.....

HIGHWAYS AND TRANSPORTATION

We, your committee on

having had under consideration **HOUSE** **4** **488**
Bill No.

FIRST reading copy (**WHITE**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT EXCEPTING CERTAIN
SAFETY DEVICES FROM THE MEASUREMENT OF VEHICLE WIDTH;
AMENDING SECTION 61-10-102, MCA."**

Respectfully report as follows: That **HOUSE** **488**
Bill No.

Be amended as follows:

1) Page 2, line 5.
Following: "that the"
Strike: "department of highways"
Insert: "highway patrol division"

2) Page 2, line 6.
Following: "rule"
Insert: "adopted pursuant to 61-9-504"

**(STATEMENT OF INTENT ATTACHED)
AND AS AMENDED**

DO PASS
.....

REP. HUBERT ABRAMS
.....

Chairman.

MR. SPEAKER

WE YOUR COMMITTEE ON HIGHWAYS AND TRANSPORTATION,
HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 438, FIRST
READING COPY (WHITE), ATTACHE THE FOLLOWING STATEMENT OF
INTENT:

"STATEMENT OF INTENT
HOUSE BILL NO. 438"

A statement of intent is required for this bill because it gives the highway patrol authority to allow by rule a safety device on a vehicle to protrude beyond the 102-inch width limit set in 61-10-102. This authorization is necessary to conform with federal law that excludes from the 102-inch width limit safety-related appendages such as rear view mirrors, twin signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps, splash and spray suppressant devices or designs, refrigeration units, or air compressors which the highway patrol may interpret as necessary for safe and efficient operation of commercial motor vehicles.

REP. HUBERT ABRAMS

STANDING COMMITTEE REPORT

FEBRUARY 5

33

19.....

SPEAKER:

MR.

HIGHWAYS AND TRANSPORTATION

We, your committee on

HOUSE

320

having had under consideration Bill No.

FIRST

WHITE

reading copy (.....)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE METHOD BY WHICH THE DEPARTMENT OF HIGHWAYS DISPOSES OF REAL PROPERTY; TO RAISE THE VALUE OF REAL PROPERTY THAT CAN BE SOLD AT PRIVATE SALE; TO ALLOW THE SALE TO UNITS OF LOCAL GOVERNMENT AT THE APPRAISED VALUE; TO ALLOW THE SALE BY PUBLIC AUCTION OR SEALED BID; AND TO REMOVE THE PROVISION ALLOWING THE SUCCESSOR IN INTEREST TO MEET THE HIGH BID; AMENDING SECTIONS 60-4-201 THROUGH 60-4-204, MCA."

HOUSE

320

Respectfully report as follows: That..... Bill No.

Be amended as follows:

1) Title, line 8.

Following: "SALE;"

Strike: remainder of line 8 through "VALUE;" on line 9

2) Page 2, line 15.

Following: "to"

Strike: remainder of line 15 through "(2)" on line 18

AND AS AMENDED

DO PASS

REP. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

FEBRUARY 5

19 83

MR. SPEAKER:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 16

FIRST WHITE
Color

"A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE
1-CENT MOTOR FUELS TAX INCREMENT ENACTED IN 1979; RAISING
THE MOTOR FUELS TAX RATES 3.5 CENTS PER GALLON; INCREASING
THE ALLOCATION TO COUNTIES, TOWNS, AND CITIES; AMENDING
SECTIONS 15-70-101, 15-70-204, AND 15-70-321, MCA; AND
PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 16

Be amended as follows: (attached)

AND AS AMENDED

DO PASS

9-5-83
FEBRUARY 5, 1983

Amend HB 16

1. Title, line 7.
Following: "RATES"
Strike: "3.5"
Insert: "3"
Following: "GALLON"
Insert: "EFFECTIVE JULY 1, 1983 and 2 CENTS PER GALLON
EFFECTIVE JANUARY 1, 1985"
2. Page 2, line 2.
Following: "additional"
Strike: "3.5"
Insert: "3"
Following: "gallon"
Insert: "effective July 1, 1983 and 2 cents per gallon effective
January 1, 1985"
3. Page 2, line 4.
Following: "additional"
Strike: "3.5"
Insert: "3"
Following: "gallon"
Insert: "effective July 1, 1983 and 2 cents per gallon effective
January 1, 1985"
4. Page 2, line 14.
Following: "8"
Strike: "12.5"
Insert: "12"
Following: "cents"
Insert: "from July 1, 1983 to December 31, 1984, and 14 cents
thereafter,"
5. Page 3, line 12.
Following: line 11
Strike: "14.5"
Insert: "14"
Following: "cents"
Insert: "from July 1, 1983 to December 31, 1984 and 16 cents
thereafter,"
6. Page 7, lines 2 through 6
Strike: Section 4 in its entirety
Renumber: subsequent section


REP. HUBERT ABRAMS

STANDING COMMITTEE REPORT

FEBRUARY 5

19 83

MR. **SPEAKER:**

We, your committee on **HIGHWAYS AND TRANSPORTATION**

having had under consideration **HOUSE** Bill No. **539**

..... reading copy (.....)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOGGING TRUCK
OF UP TO 80,000 POUNDS TO OPERATE UNDER A SPECIAL PERMIT;
AMENDING 61-10-124, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."**

Respectfully report as follows: That **HOUSE** Bill No. **539**

Be amended as follows: (attached)

AND AS AMENDED

DO PASS

REP. HUBERT ABRAMS

.....
Chairman.

1. Title, line 6.

Following: "PERMIT;"

Insert: "PROVIDING FOR CHANGING THE 7% ALLOWANCE TO A 5%
ALLOWANCE ON TOTAL GROSS AND AXLE WEIGHT LIMITATIONS FOR ALL
VEHICLES OR COMBINATIONS OF VEHICLES;"

Following: "61-10-124"

Insert: "AND 61-10-144"

2. Page 2, line 22.

Following: line 21

Insert: "Section 2. Section 61-10-144, MCA, is amended to read:
"61-10-144. Violation of standards -- seven five percent
allowance. (1) It is a misdemeanor for a person, firm, or
corporation to violate any provision of 61-10-101 through
61-10-110.

(2) However, the operator of a vehicle or combination of
vehicles may move over the highways to the first open state
scale, permanent or portable, without incurring the excess
weight penalties set forth in 61-10-145 if the total gross
weight of the vehicle or combination of vehicles does not
exceed allowable total gross weight limitations by more than 7%
5% and if the weight carried by any axle or combination of
axles does not exceed the allowable axle weight limitations by
more than 5%. In the event the vehicle or combination of
vehicles is not in excess of the allowable total gross or
axle weight limitations by more than 7% 5%, the department may
issue a single trip permit for the fee of \$10 for allowing said
vehicle or combination of vehicles to move over the highways
to the first facility where its load can be safely adjusted or
to its destination. Violations of total gross or axle weight
limitations in excess of 7% 5% are subject to the fines
provided in 61-10-145, and all loads in excess of 7% 5% of
total gross or axle weight limitations must be adjusted or
reduced to conform to the size and weight limitations
before the vehicle or combination of vehicles is moved from
the point of weighing.

(3) An operator of a vehicle or combination of
vehicles subject to the provisions of 61-10-107(2) may move
over a highway, except any highway which is part of the
federal-aid interstate system, within a 50-mile radius of
the harvested field to the point of first unloading, without
incurring the excess weight penalties set forth in 61-10-145 if
the total gross weight of the vehicle or combination of
vehicles does not exceed allowable weight limitations by
more than 20% per axle but the maximum load per inch of tire
width may not exceed 670 pounds. The vehicle or combination of
vehicles may not exceed 40 miles per hour. No single trip
permit as required in subsection (2) shall be applicable to
such vehicle or combination of vehicles. When such vehicle or
combination of vehicles violates any of the provisions of this
subsection, the fine or penalty imposed shall apply to that
portion of the load above the legal limit."

Renumber: subsequent section.

STANDING COMMITTEE REPORT

FEBRUARY 5

19 83

SPEAKER:

MR.

HIGHWAYS AND TRANSPORTATION

We, your committee on

having had under consideration HOUSE Bill No. 437

FIRST reading copy (WHITE)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE GROSS
VEHICLE WEIGHT LAWS BY ALLOWING THE MAXIMUM GROSS WEIGHT TO
BE DETERMINED USING THE STATUTORY FORMULA, BY ELIMINATING
THE GROSS WEIGHT LIMITATIONS ON GROUPS OF AXLES, AND BY
ALLOWING MAXIMUM LENGTH OF 95 FEET BY TERM PERMIT;
CORRECTING AN ERRONEOUS REFERENCE; AMENDING SECTIONS
61-10-107 AND 61-10-124, MCA."

Respectfully report as follows: That HOUSE Bill No. 437

Be amended as follows:

1) Page 4, line 13

Following: "section,"

Insert: "Special permits for vehicle combinations may specify
highway routing and otherwise limit or prescribe conditions of
operation of the vehicle or combination, including but not
limited to, required equipment, speed, stability, operational
procedures, and insurance."

AND AS AMENDED

DO PASS

REP. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

FEBRUARY 5

19 83

SPEAKER:

MR.

HIGHWAYS AND TRANSPORTATION

We, your committee on

having had under consideration **SENATE** Bill No. **10**

THIRD reading copy (BLUE)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT EMPOWERING THE HIGHWAY
COMMISSION TO ESTABLISH PRIORITIES AND TO SELECT ROADS FOR
CONSTRUCTION AND RECONSTRUCTION; AMENDING SECTION 60-2-201,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

SENATE

Respectfully report as follows: That..... Bill No. **10**

BE CONSIDERED IN

DOXASSE

REP. HUBERT ABRAMS

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

FEBRUARY 5 1983

SPEAKER:

MR.

HIGHWAYS AND TRANSPORTATION

We, your committee on

having had under consideration SENATE 82
Bill No.

THIRD reading copy (BLUE
color)

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING SPECIAL
LICENSE PLATES FOR VETERANS WITH 100-PERCENT
SERVICE-CONNECTED DISABILITIES FOR HANDICAPPED INDIVIDUALS
AND FOR FORMER PRISONERS OF WAR; EXEMPTING VEHICLES BEARING
THOSE SPECIAL PLATES FROM PARKING FEES; PROVIDING FOR
RETENTION OF THE SPECIAL PLATES; PROVIDING FOR REPLACEMENT
OF LOST PLATES; AMENDING SECTIONS 10-2-301, 10-2-302, AND
51-3-333, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

Respectfully report as follows: That SENATE 82
Bill No.

Be amended as follows:

1) Page 1, line 23.
Following: "plates"
Insert: "specially"
Following: "with the"
Strike: "words" on line 23 through "appropriate" on line 25.
Insert: "letters and character DV-"

2) Page 2, lines 15 and 16
Following: line 14
Strike: line 15 through "appropriate," on line 16
Insert: "bearing a representation of a wheelchair as the symbol
of a handicapped person"
AND AS AMENDED
BE CONCURRED IN

XXXXXX
DO PASS

REP. HUBERT ABRAMS

STATE PUB. CO.
Helena, Mont.

Chairman.

COMMITTEE SECRETARY

2-5-83

AMENDMENT TO HB 320

1. Title, line 8.

Following: "SALE;"

Strike: remainder of line 8 through "VALUE;" on line 9

2. Page 2, line 15.

Following: "to"

Strike: remainder of line 15 through "(2)" on line 18

Amend HB 437

1. Page 4, line 13.

Following: "section."

Insert: "Special permits for vehicle combinations may specify highway routing and otherwise limit or prescribe conditions of operation of the vehicle or combination, including but not limited to, required equipment, ~~driver qualifications~~, speed, stability, operational procedures, and insurance."

ROLL CALL VOTE ----- 1983 HIGHWAYS AND TRANSPORTATION COMMITTEE

| | Date: 2/5 No: HB 16 Do Pass as Am. | Date: 2/8 No: HB 9 Do Pass as Am. | Date: 3/1 No: SB 106 | Date: 3/3 No: HB 440 | Date No: | Date: No: |
|-----------|---|--|-------------------------|-------------------------|-------------|--------------|
| ABRAMS | Y | N | Y | N | | |
| ZABROCKI | Y | Y | Y | Y | | |
| BROWN | N | N | -- | N | | |
| COMPTON | Y | N | Y | N | | |
| HAMMOND | Y | Y | N | Y | | |
| HARP | Y | Y | -- | N | | |
| HEMSTAD | N | Y | -- | -- | | |
| HOWE | N | N | Y | Y | | |
| KENNERLY | Y | Y | N | -- | | |
| KEYSER | N | Y | N | N | | |
| KOEHNKE | N | Y | Y | Y | | |
| LYBECK | Y | Y | N | Y | | |
| O'CONNELL | Y | Y | N | N | | |
| SHONTZ | Y | N | N | -- | | |
| SOLBERG | Y | N | Y | N | | |
| STOBIE | N | Y | Y | -- | | |
| UNDERDAL | N | N | Y | N | | |