

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION  
MONTANA STATE SENATE

January 25, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on Thursday, January 25, 1983 at 1:00 P.M. in Room 410, State Capitol.

ROLL CALL: Roll was called. Present: Senator Etchart, Senator Hager, Senator Elliott, Senator Shaw, Senator Tveit, Senator D. Manning, and Senator Graham late. Absent: Senator Stimatz and Senator Daniels.

SENATE BILL NO. 212: Hearing commenced on Senate Bill No. 212, sponsored by Senator Dave Fuller, Helena. This is an act to generally revise aeronautics licensing requirements. It deals with ultralight planes and their registration. This bill revises the laws on regulation and licensing of aircraft. It provides specifically that owners of ultralight aircraft must register with Department of Commerce and changes the date for registration of aircraft each year from June 1 to March 1. The bill also requires that an airman's license must be issued or approved by the federal government.

Mike Ferguson, representing the Montana Aeronautics Division, spoke in support of Senate Bill No. 212. Under present Montana law, all Montana pilots and aircraft must register with the state their appropriate effective license, certificate, or permit issued by the U.S. Government. In as much as neither an ultralight pilot nor aircraft are issued a license, certificate, or permit by the U.S. Government, it is impossible to comply with Montana registration requirements.

Mr. Ferguson said this creates a serious problem for the ultralight people as some airports have banned their operations citing the fact that they are in violation of Montana law, and therefore, operating illegally. Both the ultralight and airport operators are faced with liability problems as this concerns the insurance protection.

Mr. Ferguson said the Federal Aviation Administration (FAA) has under review from the private section, including the ultralight industry, AOPA Air Safety Foundation, and the Experimental Aircraft Association, proposals on (1) a national ultralight registration program and (2) an ultralight pilot training and certification program. The FAA has announced that they will be "approving" one or more of these programs in January 1983. The key word is approved as this is really

the only change in the registration law. We are adding the words "or approved" by the U.S. Government. It is estimated that there are about 100 ultralight aircraft based in Montana. It is a rapidly growing industry. Senate Bill No. 212 will merely make it possible for the ultralight pilots and aircraft to register and thus be in compliance with existing Montana pilot and aircraft registration laws. The ultralight people are in support of this bill.

Senator Manning asked Mr. Ferguson how many ultralights were in the State at this time.

Mr. Ferguson replied there are somewhere between 100 and 200, we really don't know. There is one or two ultralights in every community.

Senator Elliott asked Mr. Ferguson if the FAA would recognize a permit that Montana issues.

Mr. Ferguson said no, the FAA is recognizing a permit that the industry is approving, through the air safety program and the Experimental Aircraft Association. We will review and approve one or more of these programs.

Senator Graham asked if the ultralights are taxed.

Mr. Ferguson said this bill will solve that problem. Before we can register the ultralight, they will have to show evidence of taxes being paid. They are subject to personal property tax, the same as any other aircraft. This new registration will require that they have identification on the ultralights.

Senator Hager asked if the ultralights operate from airports, or backyards.

Mr. Ferguson said they operate out of small fields and small airports. They can operate out of airports if they have the proper communication. They are restricted from certain control zones.

Senator Manning asked what capabilities the ultralights have.

Mr. Ferguson reported that under the new regulations, they cannot have stall speed faster than 25 knots, or about 24 miles per hour. They are restricted to only one passenger.

There being no further discussion, hearing on Senate Bill No. 212 was closed.

SENATE BILL NO. 55: Senator Hager reported that the bill has been handled in another bill that was introduced in the House, but wanted to check with Bill Romine about it first. He requested the bill sit in Committee until Thursday.

ACTION ON SENATE BILL NO. 212: Senator Elliott made the motion to amend Senate Bill No. 212 as follows:

1. Page 1, line 23.  
Following: "before"  
Strike: "June"  
Insert: "March"

It was passed unanimously.

Senator Elliott made the motion that Senate Bill No. 212 DO PASS, as amended. The motion passed with all Senators voting aye except Senator Shaw, who voted no.

ACTION ON SENATE BILL NO. 106: Senator Etchart gave a brief summary on Senate Bill No. 106. He told the committee this bill triples the fines and also; on Page 3, line 5, states that no fine may be suspended. The trucking and logging industry supports the bill, but I think there are a lot of little independent truckers out there that would be put out of business by a \$3,000 fine.

Senator Shaw made the motion that Senate Bill No. 106, as amended, DO NOT PASS.

Senator Elliott made a substitute motion that the fines be doubled instead of tripled. The motion passed with all Senators present voting aye.

Senator Hager made the motion to strike on Page 3, lines 5 and 6. The motion carried with all Senators present voting aye.

Senator Elliott made the motion that Senate Bill No. 106 as amended DO PASS. The motion passed with the following Senators voting aye: Senator Hager, Senator Elliott, Senator Tveit, Senator D. Manning. Those Senator's voting no: Senator Etchart, Senator Shaw, and Senator Graham.

HOUSE BILL NO. 87: Hearing commenced on House Bill No. 87, introduced by Representative Dozier, Billings. Representative Dozier told the committee this is an act allowing the driver of an overtaken vehicle to travel on the shoulder of a two-lane highway until he is passed if it is safe to do so. The idea for this bill came when I was touring Canada, and discovered this is a common practice there and works well.

Gar Munson, Highway Patrol told the committee they support this bill. The Highway Patrol has no problem with movement to shoulder and back. As this bill stands right now, the Highway Patrol has no problem with it.

There being no further proponents, opponents, or questions from the committee the hearing on House Bill No. 87 was closed.

ACTION ON HOUSE BILL NO. 87: Senator Shaw made the motion that House Bill No. 87 BE CONCURRED IN. Senator Graham seconded the motion. The motion passed with all Senators present voting aye.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 1:55 p.m.

  
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SENATOR MARK ETCHART, CHAIRMAN

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1982~~ 1983

Date 1/25/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit	✓		
Senator Graham	<i>late</i>		
Senator D. Manning	✓		
Senator Stimatz			
Senator Daniels			
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

## Housing & Transportation

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1/25 1983 Bill No. SB 212 Time 1:20

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw		✓
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	✓	
Senator Stimatz	absent	
Senator Daniels	absent	

Carol Doyle Frasier  
Carol Doyle Frasier  
Secretary

Mark Etchart  
Senator Mark Etchart  
Chairman

Motion: Do Pass as amended  
Senator Elliott made the motion that SB 212 as  
amended Do PASS. Motion carried.

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

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

*Elliott's  
amendment*

Date 1/25 1983 Bill No. SB 106 Time 1:30

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	✓	
Senator Stimatz		
Senator Daniels		

*Carol Doyle Frasier*  
Carol Doyle Frasier  
Secretary

*Mark Etchart*  
Senator Mark Etchart  
Chairman

Motion: *Senator Elliott made a substitute motion that we change the amount of fines, to double them, instead of triple them. Motion carried.*

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



SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

*Hager amendment*

Date 1/25 1983 Bill No. SB 1016 Time 1:35

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit		✓
Senator Graham	✓	
Senator D. Manning	✓	
Senator Stimatz		
Senator Daniels		

*Carol Doyle Frasier*  
Carol Doyle Frasier  
Secretary

*Mark Etchart*  
Senator Mark Etchart  
Chairman

Motion: Strike Lines 5 & 6 on page 3  
Senator Hager made the motion to strike Lines 5 and 6 on  
page 3. motion carried.

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

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1/25/83 1983 Bill No. SB 106 as amended Time 1:40

NAME	YES	NO
Senator Etchart, Chairman		✓
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw		✓
Senator Tveit	✓	
Senator Graham		✓
Senator D. Manning	✓	
Senator Stimatz	absent	
Senator Daniels	absent	

Carol Doyle Frasier  
Carol Doyle Frasier  
Secretary

Mark Etchart  
Senator Mark Etchart  
Chairman

Motion: Do Pass as ✓

Senator Elliott made the motion that SB106 as  
amended Do Pass. Roll call vote taken.  
Motion Passed.

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

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 1/25/83 1983 Bill No. HB 87 Time 1:45

NAME	YES	NO
Senator Etchart, Chairman	✓	
Senator Hager, Vice Chairman	✓	
Senator Elliott	✓	
Senator Shaw	✓	
Senator Tveit	✓	
Senator Graham	✓	
Senator D. Manning	✓	
Senator Stimatz	absent	
Senator Daniels	absent	

Carol Doyle Frasier  
Carol Doyle Frasier  
Secretary

Mark Etchart  
Senator Mark Etchart  
Chairman

Motion: Senator Shaw made the motion that HB 87  
Be Concurred In. Senator Graham seconded the  
motion. Motion carried.

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

# STANDING COMMITTEE REPORT

January 25

19 83

MR. **PRESIDENT:**

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

having had under consideration **SENATE** Bill No. **212**

Respectfully report as follows: That **SENATE** Bill No. **212**

**introduced bill, be amended as follows:**

1. Page 1, line 23.  
Following: "before"  
Strike: "June"  
Insert: "March"

**And, as so amended,  
DO PASS**

HC

# STANDING COMMITTEE REPORT

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January 25

19 83

MR. **PRESIDENT:**

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

having had under consideration **SENATE BILL** Bill No. **106**

Respectfully report as follows: That **SENATE** Bill No. **106**  
introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "VEHICLES;" on line 6

Strike: Remainder of line 6 and line 7 through "SUSPENDED;"

2. Page 1, line 19.

Following: "~~\$15~~"

Strike: "~~\$45~~"

Insert: "\$30"

3. Page 1, line 19.

Following: "~~\$50~~"

Strike: "~~\$150~~"

Insert: "\$100"

CONTINUED ON PAGE 2

~~XXXXXX~~

J.C.

January 25 19 83

## Senate Committee Highways and Transportation

Page 2

Senate Bill No. 106

4. Page 2, line 1.

Following: "~~\$15~~"Strike: "\$45"

Insert: "\$30"

5. Page 2, line 3.

Following: "~~\$25~~"Strike: "\$75"

Insert: "\$50"

6. Page 2, line 5.

Following: "~~\$35~~"Strike: "\$105"

Insert: "\$70"

7. Page 2, line 7.

Following: "~~\$50~~"Strike: "\$150"

Insert: "\$100"

8. Page 2, line 9.

Following: "~~\$80~~"Strike: "\$240"

Insert: "\$160"

9. Page 2, line 11.

Following: "~~\$110~~"Strike: "\$330"

Insert: "\$220"

10. Page 2, line 13.

Following: "~~\$150~~"Strike: "\$450"

Insert: "\$300"

11. Page 2, line 15.

Following: "~~\$200~~"Strike: "\$600"

Insert: "\$400"

12. Page 2, line 17.

Following: "~~\$250~~"Strike: "\$750"

Insert: "\$500"

Continued on Page 3

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Senate Committee Highways and Transportation  
Page 3  
Senate Bill No. 106

13. Page 2, line 19.  
Following: "~~\$300~~"  
Strike: "\$900"  
Insert: "\$600"

14. Page 2, line 21.  
Following: "~~\$500~~"  
Strike: "\$1,500"  
Insert: "\$1,000"

15. Page 2, line 23.  
Following: "~~\$1,000~~"  
Strike: "\$3,000"  
Insert: "\$2,000"

16. Page 3, following line 4.  
Strike: Lines 5 and 6 in their entirety.

17. Page 3.  
Following: line 6  
Insert: "(3) The penalties in subsection (1) do not apply to a operator who fails to secure a special permit as provided for in 61-10-107 (3) if the vehicle or combination of vehicles is not overweight with such a permit. The failure to obtain the special permit is punishable under 61-10-146, and the operator is required to purchase the permit. If the vehicle or combination of vehicles exceeds the weight limitations allowed by special permit and the operator fails to obtain a permit under 61-10-107(3), the penalties of subsection (1) apply to the weight exceeding 80,000 pounds."

And, as so amended,  
DO PASS

SENATOR MARK ETCHART

Chairman.

# STANDING COMMITTEE REPORT

JANUARY 25

19 83

MR. **PRESIDENT:**

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

having had under consideration **HOUSE BILL** Bill No. **87**

**DOZIER (R. Manning)**

Respectfully report as follows: That **HOUSE BILL** Bill No. **87**

**BE CONCURRED IN**  
**XXXXXX**

*Y/c*