

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

March 1, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on March 1, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senator's Etchart, Hager, Elliott, Shaw and Daniels present. Senator's Tveit, Graham, Manning and Stimatz were absent.

HOUSE BILL NO. 488: Hearing commenced on House Bill No. 488, introduced by Representative Hemstad. House Bill 488 amends existing Montana law establishing a maximum of 102 inches in width for vehicles to conform changes in the federal law recently enacted by the Congress. Montana's law provides that no vehicle may have a total outside width in excess of 102 inches. The federal law was amended to provide a vehicle width maximum and minimum of 102 inches to be operated on any segment of the National System of Interstate Highways or any other Federal aid highways to be designated by the DOT Secretary. The federal bill clarifies the measurement of the 102-inch width to not include certain safety devices which the Secretary of Transportation determines as necessary for the safe operation of motor vehicles. HB488 provides for a similar exemption of safety devices in measurement of the 102-inch width maximum in Montana. The bill provides that the Department of Highways will determine by rule the specific safety devices. It was learned after this bill was drafted that the more appropriate agency to make that determination is the Montana Highway Patrol. An amendment has been made to make that change. For the committee's information, the kind of safety devices referred to would include, but not necessarily be limited to, such devices as rear-view mirrors, turn signals lamps, marker lamps, step and handles for entry and egress, mud flaps, and splash and spray suppressant devices, and other similar devices as determined by the Highway Patrol.

Sam Hubbard, Department of Highways, told the committee the Department is in support of HB488.

Garfield Munson, Highway Patrol, told the committee the Highway Patrol would like to go on record of being in support of HB488.

Bob Holding, Montana Wood Products told the committee they would like to go on record favoring this bill. I think it will be an asset to the industry.

Ben Havdahl, Montana Motor Carriers, told the committee they also support this legislation, to conform to federal statutes.

There were no further proponents or opponents.

Senator Elliott asked if the language in the Statement of Intent was taken from the federal law. I cannot understand the reason for refrigeration and air compressors.

Ben Havdahl said yes, the language both in the bill and in the Statement of Intent were taken from Federal Law. He gave the committee a copy of the law. See Exhibit 1.

Senator Shaw pointed out a typographical error on line 11. Twin signal lamps should be turn signal lamps.

In closing Representative Hemstad said this is only putting in compliance Montana law with federal statutes.

There being no further discussion, hearing on House Bill No. 488 was closed.

ACTION ON HOUSE BILL NO. 488:

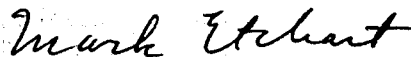
Senator Shaw made the motion to amend the bill as follows:

1. Page 1, line 11.  
Following: "mirrors,"  
Strike: "twin"  
Insert: "turn"

The motion carried unanimously.

Senator Shaw made the motion that House Bill No. 488, as amended Be Concurred In. The motion carried unanimously. Senator Shaw will carry the bill on the floor of the Senate.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:00 p.m.

  
\_\_\_\_\_  
Senator Mark Etchart, Chairman  
Highways and Transportation

ROLL CALLSENATE HIGHWAYS AND TRANSPORTATION COMMITTEE48 ~~47~~th LEGISLATIVE SESSION -- ~~1982~~ 1983Date 3/1/83

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

SENATE

Highways

COMMITTEE

BILL

488

VISITORS' REGISTER

DATE

3/1/83

Please note bill no.

NAME

REPRESENTING

BILL #

(check one)

SUPPORT

OPPOSE

Garfield Munson

Highway patrol

488

✓

Sam Hubbard

Dept. of Highways

488

✓

Bob Weeding

Madona Wood Products

488

✓

KEITH L. OLSON

MT. LOGGING Assn

488

✓

FOR: Jerry Flannery

FROM: Allison Jones, ATA

143

EX NO. \_\_\_\_

Calendar No. \_\_\_\_

e: To provide certain discretion with respect to truck

THE SENATE OF THE UNITED STATES--97th Cong., 2d Sess.

S. \_\_\_\_

ordered to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

ment In the Nature of a Substitute intended to be proposed  
by Mr. Eagleton (for himself and Mr. Schmitt) to the unprinted  
amendment \_\_\_\_\_ intended to be proposed by Mr. Andrews  
(to S.(2574)), a bill to (extend authorizations for the Federal  
highway Act).

Strike out all after "Viz:" and insert in lieu thereof  
the following:

At the end of the bill, add the following new section:

Sec. (a) Section 127 of title 23, United States Code,

is amended by adding at the end thereof the following:

Notwithstanding any other limitation relating to vehicle

widths contained in this title, a State ~~may~~ permit trucks or

combinations thereof having a width of not more than 172

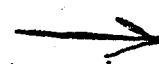
inches to operate over interstate highways, National Defense

Highways, or any other qualifying Federal-aid highway as

designated by the Secretary of Transportation, with traffic

to be a width of 12 feet or more."

shall



(b) The width limitation described in the preceding

subsection shall be exclusive of safety-related appendages, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mud-flaps and splash and spray suppressant devices, load-induced tire bulge, energy conservation devices or designs, refrigeration units or air compressors, which the Secretary of Transportation may interpret as necessary for safe and efficient operation of commercial

129722.143

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motor vehicles.

(c) No State may enact or enforce any law denying

reasonable access to commercial motor vehicles subject to

title 23, United States Code, to and from the Interstate

Highway System and the Federal-aid primary system and

terminals and facilities for food, fuel, repairs, and rest.

Excerpt from the Congressional Record of December 16, 1982, p. H 10002

Senate amendment No. 92: Page 39, after line 23, insert:

"Sec. 321. Notwithstanding any other provision of law, no funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall hereafter be apportioned to any State which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highways as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more: PROVIDED, That, notwithstanding any other provision of law, certain safety devices which the Secretary of Transportation determines as necessary for safe and efficient operation of motor vehicles shall not be included in the calculation of width: PROVIDED FURTHER, That, notwithstanding any other provision of law or of this paragraph, a State may grant special use permits to motor vehicles that exceed 102 inches: PROVIDED FURTHER, That, notwithstanding any other provision of law, no withholding of apportionment shall be imposed upon a State by virtue of the provisions of this paragraph prior to October 1, 1983."

(From the Conference Report on H.R.6211)

3/1/03



# STANDING COMMITTEE REPORT

*Pays*

March 1

1983

MR.

**PRESIDENT:**

We, your committee on

**HIGHWAYS AND TRANSPORTATION**

having had under consideration

**STATEMENT OF INTENT - HOUSE**

Bill No. **488**

**HEMSTAD (Shaw)**

Respectfully report as follows: That

**STATEMENT OF INTENT - HOUSE**

Bill No. **488**

be amended as follows:

1. Page 1, line 11.

Following: "mirrors,"

Strike: "twin"

Insert: "turn"

And, as so amended

**BE CONCURRED IN**

DO PASS

*M/E*