

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 15, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on March 15, 1983, at 1:20 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senators Etchart, Elliott, Shaw, Daniels present. Senator Stephens and Senator Hazelbaker were present so the committee could have a quorum to start the meeting. Senator Hager, Graham, D. Manning arrived late. Senator Veit, Stimatz were absent.

HOUSE BILL NO. 560: Hearing commenced on House Bill No. 560, introduced by Representative Abrams. He told the committee he introduced this bill by request of the Department of Justice. It is an act to revise and clarify the duties of motor vehicle operators and law enforcement officers concerning the filing of accident reports; to provide a penalty for failure to file a report and also provides for an immediate effective date.

Representative Abrams went on to say this bill, which would be effective immediately relieves the driver of a motor vehicle involved in an accident that caused death, personal injury, or property damage of more than \$250 of the requirement to file a written report if the accident was investigated and reported by a law enforcement officer and further requires an officer who investigates such an accident to file a written report within ten days. Stricken from the law is the misdemeanor clause and the \$25 fine for failing to file a report. This bill provides penalties for failure to comply with the Uniform Accident Reporting Act of: First offense, fine of from \$10 to \$100 and imprisonment of not more than 10 days; second offense within one year, fine between \$25 and \$200 or jail term of up to 20 days or both fine and jail term; third offense within one year of first, fine of between \$50 and \$500 and jail term of up to six months or both. The fine may be served out in jail at rate of \$10 per day.

Colonel Landon, Highway Patrol, spoke in support of House Bill No. 560. This bill, if passed, will accomplish three goals: (1) It will eliminate, in most cases, the report that drivers must file when involved in an auto accident. (2) It will expand the penalties for failing to report an accident. (3) It will bring Montana law in line with the Uniform Vehicle Code.

Colonel Landon said that under current law, every driver involved with an automobile accident involving death, injury, or property damage of more than \$250 must file a written

report with the Highway Patrol. This bill would eliminate this requirement unless an officer was unable to investigate and report on the accident. Consequently, this would cut down on a great deal of needless paperwork.

Colonel Landon said the second goal of this bill is to expand penalties for failure to report an accident. Under the current law, failure to report an accident can result in a fine of up to \$25.00. Under this bill, the penalties are significantly expanded. The first conviction requires a fine of \$10-\$100, or a maximum of 10 days in jail. The second conviction within one year requires a fine of \$25-\$200, or a maximum of 20 days in jail, or both. The third conviction within one year requires a fine of \$50-\$500, or up to six months in jail, or both.

The third goal of this bill is to bring Montana law in line with the Uniform Vehicle Code. The Uniform Vehicle Code, like this bill, eliminates needless driver reports, and provides for escalating penalties. That concludes my prepared remarks. If you have any questions I, or other representatives of the Department of Justice, would be glad to answer them. Also, Jim M. McLean, Assistant Attorney General for the State of Montana is present and is available to answer questions.

There were no further proponents and no opponents.

Senator Shaw asked if a one car accident that is \$250 worth of damage or more, has to be investigated and reported under the old and new law.

Colonel Landon, said yes, that is correct. If there is \$250 worth of damage, and the accident is not investigated by the Highway Patrol, then the individual must report it, but if it is investigated, then the individual does not have to report it, if this bill passes.

Senator Etchart asked Colonel Landon how much the fine is increased for not reporting.

Colonel Landon said right now the fine is \$25, and under the proposed legislation, the fine would be \$10 to \$100 for first offense. If it happens in the future, then the fine is increased.

There being no further discussion, hearing on House Bill No. 560 was closed.

HOUSE BILL NO. 588: Hearing commenced on House Bill No. 588, introduced by Representative Swift. He told the committee this is a bill that will clarify public ownership of county roads created by a subdivision that dedicates forever the use

of the land as a roadway, and provides for abandoning such roads. The bill add's new language on page 1, line 21, under (3), which states: "Except when title vests in the public because the land on which the county road is located is created by a subdivision that dedicates forever the use of the land for a road." It also adds new section on page 2, line 11, which states: "(3) (a) Except as provided in subsection (3) (b), upon order of abandonment, the land on which the county road is located reverts to the owners of the adjoining land from which the road was taken. (b) The title to the land on which county roads are located that were created by a subdivision in which the recorded plat declared that the land designated for the roadways was dedicated forever to the public remains in the public unless the order to abandon specifically divests the public of its title."

There were no further proponents and no opponents.

Senator Daniels asked if this bill went through the House Judiciary Committee.

Representative Swift said no, it went through the House Highways and Transportation Committee.

Senator Daniels asked if the purpose of the bill was to retain these roads in subdivision as public roadways. He also asked Representative Swift if he was aware of a law that provides for abandonment of subdivision roads already and wondered how this would fit into with the current law.

Representative Swift said they can use the procedure that is currently being used, if they so desire. It's a little bit different.

Senator Elliott asked Representative Swift just what he is trying to accomplish.

Representative Swift said it all came about because of a court decision on a subdivision road in his area. One faction wanted to abandon the road and one wanted to leave it the way it was, and the law was unclear.

Senator Elliott asked if the road in fact had been abandoned.

Representative Swift said no.

Senator Elliott asked, but, it was not used for road purposes.

Senator Swift said no.

There being no further discussion, hearing on House Bill No. 588 was closed.

Senate Joint Resolution No. 22: Hearing commenced on Senate Joint Resolution No. 22, introduced by Senator Conover. This is a joint resolution of the Senate and the House of Representatives of the State of Montana requesting the Federal Government and the Montana Department of Highways to cooperate with the local government of Stillwater County in providing funding to repair damages to Montana secondary highway no. 419 caused by transportation of chromium for the strategic mineral stockpile program of the United States Government.

Senator Conover said that in the 1950's and early 1960's, the federal government stockpiled chromium at the mines above Nye, Montana, as part of the federal program to stockpile strategic minerals. The stockpiled chromium was sold to a private company, and between 1977 and 1982, was subsequently transported to the railroad at Columbus, Montana, for further shipment. The chromium was transported over the 26 miles of Montana Secondary Highway No. 419, and in the process, the road was left severely damaged and is generally unsafe for the several hundred permanent residents that depend upon the road for daily use.

It would be unfair to expect the local taxpayers to assume the entire financial responsibility for repairing a road that was damaged due to a federal program for the entire nation's security. Neither the State of Montana nor the United States Government has expressed a willingness to work with the local government of Stillwater County to resolve the funding problems related to the damaged road.

This resolution urges both the Montana Department of Highways and the U. S. Government to cooperate with local government officials in Stillwater County in reaching an equitable means of financing the needed repairs to Montana Secondary Highway No. 419. It asks that the Secretary of State send copies of this resolution to the Director of the Montana Department of Highways; to President Reagan; to Elizabeth Dole, United States Secretary of Transportation; and to the Montana congressional delegation.

Mr. Jim Richard, representing Stillwater County spoke in support of SJR 22. He told the committee the road gets a lot of heavy traffic down to Columbus. The Anaconda Company is proposing to do major platinum mining in that area. They have done some studies on the road and feel it will take about five million dollars to get the road into shape for regular traffic, even if the mine did not open. And, if the mine does open, another two million dollars to bring it up to standard for the Anaconda Company. We support this Resolution.

There were no further proponents and no opponents.

Senator Graham asked Senator Conover if they ever shipped any of the chromium out during the war years.

Senator Conover said yes, they shipped quite a lot. They shipped for about three years, and then they stockpiled it.

Senator Etchart asked if the stockpile has all been hauled away.

Senator Conover said yes, they hauled it down to Columbus. I don't know where they took it from Columbus.

Senator Graham asked if anyone knew if Stillwater County charged them for the stockpile.

Senator Conover said Stillwater County has never received anything from the Federal Government. The Chromium mine gave them \$5,000 to fix the road and that is all they have ever received.

There being no further discussion, hearing on Senate Joint Resolution No. 22 was closed.

ACTION ON SENATE JOINT RESOLUTION NO. 22: Senator Graham made the motion that Senate Joint Resolution No. 22 DO PASS. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 588: Senator Daniels made the recommendation that House Bill No. 588 be sent to Judiciary Committee. There is language in the bill that I have some problems with, and I am not familiar with. Normally, when a subdivision is filed in the Clerk and Records Office, it simply has the idea that the roads are there for use by the public. If these roads are not used by the public, the owners can come in and ask to abandon portions of those roads because it was not being used. Then, the property reverts to the adjoining landowners. I specifically have problems with the language on Page 1, line 21, which states: "Except when title vests in the public because the land on which the county road is located is created by a subdivision that dedicates forever the use of the land for a road." I am not familiar with such a dedication. As long as it is used by the public it remains a dedicated road. I don't know whether this law is essential or not.

Senator Elliott said he agreed. I have received a letter that indicated this was going to create problems, primarily with subdivisions.

Senator Manning said he did not understand his reasoning. Forever is a long time.

Senator Graham said he also agrees. I think we should send it to Judiciary.

Senator Daniels made the motion that House Bill No. 588 be rereferred to the Senate Judiciary Committee. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 560: Senator Elliott commented he did not see any problems with this bill. He asked if there are any sections of the law that handle non-payment of fines. Being that on Page 4, line 6, that this is a new section of the law, I just wonder.

Senator Daniels said he thought it is in a general statute. It does not do any harm. I don't think it makes much difference if it is in there or not.

Senator Shaw made the motion that House Bill No. 560 BE CONCURRED IN. The motion carried unanimously. Senator Shaw will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL NO. 606: Senator Shaw passed out copies of his proposed amendments. He read them to the committee:

1. Page 2, line 6.

Strike: "currently in short supply"

2. Page 3, line 22.

Strike: "currently in short supply"

3. Page 3, line 24.

Following: "\$5."

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, in addition to any fine or jail sentence imposed under any other provision of this chapter, and bond for this offense shall be \$35."

Senator Elliott made the motion to amend the amendments by Senator Shaw as follows:

3. Page 3, line 24.

following: \$5.

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, ~~in-addition-to-any-fine-or-jail sentence-imposed-under-any-other-provision-of-this-chapter,~~ in lieu of the fine imposed under 61-8-304, and bond for this offense shall be \$35."

Senator Hager said there is no fine under 61-8-304, that is the speed limit.

Senator Elliott said he thought it was there. He checked it, and said OK. I withdraw my amendment to Senator Shaw's amendment.

Senator Shaw asked Colonel Landon if he interprets it to mean \$35 plus \$5.

Colonel Landon said no, he did not.

Senator Elliott commented the Judge will be the one who will levy the fine, and how will he interpret it.

Senator Etchart asked Senator Shaw if he could just drop the last clause.

Senator Hager said that would take care of it.

Senator Shaw said he is willing to do that, as I still think they will have some latitude in dealing with the careless driver.

Paul Verdon told the committee they have to leave in the last sentence that is: "and bond for this offense shall be \$35."

Senator Elliott proposed a new amendment to Senator Shaw's amendment, which reads as follows:

3. Page 3, line 24.

Following: \$5.

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, ~~in-addition-to-any-fine-or-jail sentence-imposed-under-any-other-provision-of-this-chapter,~~ in lieu of \$5 fine, and bond for this offense shall be \$35."

The committee adopted Senator Elliott's amendment to Senator Shaw's amendment unanimously.

Senator Shaw made the motion that the amended amendment be adopted. The motion carried unanimously.

Senator Shaw made the motion that House Bill No. 606, with Senator Daniels amendment that was adopted on March 10, and Senator Shaw's amendment, BE CONCURRED IN. The motion carried unanimously. Senator Shaw will carry on the floor of the Senate.

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OTHER BUSINESS: Gary Wicks, Director of the Department of Highways, spoke to the Committee regarding what the Highway Department has done and is planning to do in the future. He spoke for about ten minutes, and answered questions regarding certain projects the Senator's were interested in.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:30 p.m.

Mark Etchart

Senator Mark Etchart,
Chairman
Highways & Transportation

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

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

Date 3/15/83

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

NAME: Jim McLean DATE: 3/15/83

ADDRESS: Attorney General's Office

PHONE: 449-2026

REPRESENTING WHOM? Attorney General

APPEARING ON WHICH PROPOSAL: H/B 560

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: See written testimony.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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TESTIMONY IN SUPPORT BY JIM M. McLEAN
ASSISTANT ATTORNEY GENERAL FOR THE STATE OF MONTANA
BEFORE THE SENATE HIGHWAY & TRANSPORTATION COMMITTEE
HOUSE BILL 560

This bill, if passed, will accomplish three goals:

(1) It will eliminate, in most cases, the report that drivers must file when involved in an auto accident.

(2) It will expand the penalties for failing to report an accident.

(3) It will bring Montana law in line with the Uniform Vehicle Code.

Under current law every driver involved with an automobile accident involving death, injury, or property damage of more than \$250 must file a written report with the Highway Patrol. This bill would eliminate this requirement unless an officer was unable to investigate and report on the accident. Consequently, this would cut down on a great deal of needless paperwork.

The second goal of this bill is to expand penalties for failure to report an accident. Under the current law, failure to report an accident can result in a fine of up to \$25.00. Under this bill, the penalties are significantly expanded. The first conviction requires a fine of \$10-\$100, or a maximum of 10 days in jail. The

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second conviction within one year requires a fine of \$25-\$200, or a maximum of 20 days in jail, or both. The third conviction within one year requires a fine of \$50-\$500, or up to 6 months in jail, or both.

The third goal of this bill is to bring Montana law in line with the Uniform Vehicle Code. The Uniform Vehicle Code, like this bill, eliminates needless driver reports, and provides for escalating penalties.

That concludes my prepared remarks. If you have any questions I, or other representatives of the Department of Justice, would be glad to answer them.

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The third goal of this bill is to bring Montana law in line with the Uniform Vehicle Code. The Uniform Vehicle Code, like this bill, eliminates needless driver reports, and provides for escalating penalties.

That concludes my prepared remarks. If you have any questions I, or other representatives of the Department of Justice, would be glad to answer them.

SENATE COMMITTEE HIGHWAYS AND TRANSPORTATION

Date 3/15/83 1983 Bill No. HB 606 Time _____

all Amendments

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 Frasier
Carol Doyle Frasier
Secretary

Senator Mark Etchart
Chairman

Motion: See attached
Shaw made motion to adopt amendments.

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

STANDING COMMITTEE REPORT

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March 15

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MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **Senate Joint Resolution** Bill No. **22**

Respectfully report as follows: That **Senate Joint Resolution** Bill No. **22**

DO PASS

HC

STANDING COMMITTEE REPORT

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March 15

1983

MR. **President:**

We, your committee on **Highways and Transportation**

having had under consideration **House**

Bill No. **560**

Abrams (Shaw)

Respectfully report as follows: That **House**

Bill No. **560**

BE CONCURRED IN

~~XXXXXX~~

STANDING COMMITTEE REPORT

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March 15

1983

MR. **PRESIDENT:**.....

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

having had under consideration **HOUSE** Bill No. **606**

KOEHNKE (SHAW)

Respectfully report as follows: That **HOUSE** Bill No. **606**
third reading bill, be amended as follows:

1. Title, line 7.

Following: **"PERSONNEL"**

Insert: **"LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;"**

2. Page 2, line 6.

Strike: **"currently in short supply"**

3. Page 2, following line 17.

Insert: **"(3) The enforcement of the speed limit set under this section is limited to the jurisdiction of the state highway patrol."**

4. Page 3, line 24.

Strike: **"currently in short supply"**

~~XEROX~~

Continued on Page 2

Handwritten initials: JLE

5. Page 3, line 24.

Following: "\$5."

Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined \$35, in lieu of the fine of \$5, and bond for this offense shall be \$35."

And, as so amended,
BE CONCURRED IN