

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 17, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Thursday, January 16, 1985 at 9:00 a.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HB 157: Hearing commenced on HB 157. Representative Steve Waldron, chief sponsor of the bill, testified in its support. He said the bill does several things. It deals with the mandatory liability insurance for vehicles. He feels that a mistake was made when vehicle owners were not required to obtain a proof of compliance insurance card when registering his vehicle.

Representative Waldron informed members that under the present system, judges are suspending the sentences of those who are charged with not have this liability insurance. The vehicle owners are simply being admonished to obtain the needed insurance in exchange for a suspended sentence. This bill would make a fine mandatory and suspension of driver's licenses mandatory. The fine would be increased to \$300 and the driver's license would be suspended for 30 days with no provision for a restricted probationary license. With regard to those on a limited income, Representative Waldron feels that these people will find a way to obtain insurance since they find a way to obtain licenses and other motor vehicle expenses. He stated that driving is a privilege -- not a right. This bill would simply insure compliance with the law.

Representative Waldron said that a person must carry in the vehicle an insurance card as proof of compliance. Under this bill, failure to do so would result in a \$25.00 fine.

Larry Majerus, Administrator of the Motor Vehicle Division in Montana, testified neither in support nor opposition to the bill. He offered an amendment that would bring the language in conformity with chapter 11. Mr. Majerus informed the committee that they are presently receiving the back of a ticket from the court. We may in lieu of that, receive an abstract court record. Mr. Majerus said that a fiscal note is being prepared for this bill.

Larry Tobiason, representing the Montana Auto Association, testified in favor of the bill. He told members that 88% of the association is in favor of bills dealing with this subject.

Roger McGlenn, an insurance agent, told members that he did not take a position on this bill. He did, however, state his concern over vehicle owners being unnecessarily fined if their insurance card were misplaced. He feels this portion of the bill should be deleted.

Representative Waldron closed, and the floor was opened to discussion.

Representative Montayne expressed concern for working people who get their licenses suspended. He feels there should be a bus service made available to these people enabling them to get to and from work. He is supportive of the issuance of work licenses only.

Other questions were directed towards Representative Waldron. He pointed out that while a person who is fined for not carrying the appropriate proof of insurance card, he cannot be convicted of not having liability insurance just because of his failure to submit a proof of insurance card. Representative Waldron again pointed out under the present system, there is very little incentive to acquire the appropriate insurance because judges will in many cases just hand down suspended sentences after the insurance is obtained.

It was Representative Gould's strong feeling that the portion of the bill dealing with suspending a persons driver's license with "no provisional license" should be deleted from the bill. He feels that people should have the ability to get to their place of employment, and this bill would do away from that provision.

Representative Addy requested some cost figures as to what the amount would be to enforce this law. Mr. Majerus was unable to give any figures.

Representative Addy asked if a jury would be made available to people charged with these offenses. Representative Waldron said yes.

Representative Addy doesn't think a jury will be any more likely to impose a fine than a judge when dealing with these cases.

Representative Waldron said that he feels it is time for those people in the past who have not obtained insurance to do so now. His main concern is to raise that compliance.

Representative Grady asked Representative Waldron if he had a percentage figure as to how many people have liability insurance.

Representative Waldron stated that he has no exact figure but assumes there are numerous cases.

Mr. Majerus informed the committee that the Highway Patrol cited somewhat under 5,000 people for insurance non-compliance last year.

Representative Hannah wondered if the bill would really accomplish much. He said that a lot of people, even though they have had their licenses suspended, drive in spite of it. Mr. Majerus said it has been established by the Presidential Commission on Drunk Driving that the most effective way of dealing with drunk drivers is to suspend their driver's licenses.

Representative Montayne introduced the idea of requiring vehicle owners to place a sticker on the window of their car that would indicate that they do, in fact, have insurance. If the sticker wasn't displayed, the vehicle owner would be fined. Representative Waldron feels that it would be more appropriate to take the owner's driving privilege away for a time, but he said the sticker idea was a thought. His main concern is that by taking away the driving privilege, the compliance would get much greater.

Hearing closed on HB 157. At this time, Chairman Hannah led the committee into executive session.

ACTION ON HB 157: Representative Brown moved that HB 157 DO NOT PASS. The motion was seconded by Representative Montayne. Discussion followed. Representative Brown stated that he had difficulty in the enforcement area of the bill. He feels the penalties as provided for in the bill are extremely steep.

Representative Addy made a substitute motion that the bill BE TABLED. He feels the bill should not be ignored completely at this time. Representative Brown withdrew his prior motion for a do not pass and seconded the substitute motion to table the bill. The question was called, and the motion passed unanimously.

ACTION ON HB 88: Representative Keyser moved that HB 88 DO PASS. Motion was seconded by Representative Brown and discussion followed. Representative Eudaily moved that an amendment be made on line 22 by striking, "and supervision". The motion was seconded by Representative Rapp-Svrcek. Representative Addy stated his opposition to the motion because he felt the bill would eliminate the control the requesting officer would have over the assisting officer. He feels the language should be left as is.

While Representative Rapp-Svrcek stated he had a problem with the bill, he opposes Representative Addy's suggestion to leave

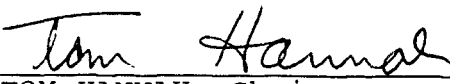
the language as is. He feels that removing the "and supervision" language may lessen the conflict. Representative Keyser stated that the real crucial language is "under the authority." He stated his support for the amendment to delete the "and supervision" portion of the bill. A roll call vote was taken on the motion, and it carried 11 to 7.

Representative Gould moved that an additional amendment be made to the bill on line 23 by striking the word, "may" and inserting in lieu thereof the word, "shall". The motion was seconded by Representative Montayne. Representative Mercer stated that he was the one who proposed this amendment in the first place; however, he sees a problem with it now. He made a substitute motion to amend page 1, line 23 by striking, ", and" through "assisting" on line 25. Representative Mercer thinks this language is unnecessary. The motion was seconded by Representative Keyser. Representative Eudaily pointed out that the title should also be amended accordingly to conform with the above amendment. The substitute motion of Representative Mercer's to amend was carried unanimously.

Representative Keyser moved that HB 88 DO PASS AS AMENDED. The motion was seconded by Representative O'Hara and discussion followed. Representative Addy expressed that his initial concern was if the bill would limit the statute that now prohibits use of a highway patrol officer in labor disputes. Since the last hearing on this bill, he researched the issue, and it is now clear to him that this bill in no way limits the present prohibition on use of highway patrol officers in labor disputes.

The question was called, and the motion for a DO PASS AS AMENDED carried with Representatives Brown, Addy and Rapp-Svrcek dissenting.

ADJOURN: Upon motion of Representative Keyser and having been seconded, the meeting adjourned at 10:10 a.m.



TOM HANNAH, Chairman

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-17-85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

VISITOR'S REGISTER

HOUSE Judiciary

COMMITTEE

House BILL 157

DATE 1-17-85

SPONSOR *Steve Waldron*

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 1/17/85

BILL NO. HB 88

TIME 10:05

NAME	AYE	NAY
Kelly Addy		✓
Toni Bergene		✓
John Cobb		✓
Paula Darko		✓
Ralph Eudaily	✓	
Budd Gould	✓	
Edward Grady		✓
Joe Hammond		✓
Kerry Keyser	✓	
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles	✓	
John Montayne	✓	
Jesse O'Hara	✓	
Bing Poff	✓	
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)	✓	✓
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Eudaily moved that the following amendment be made
to HB 88. The motion was seconded by Rep. Rapp-Svrcek and carried 11-7.
On line 22, strike the words, "and supervision".

STANDING COMMITTEE REPORT

January 17

85

19

SPEAKER:

MR.

JUDICIARY

We, your committee on

HOUSE

88

having had under consideration Bill No.

FIRST

reading copy (WHITE)
color

AUTHORITY OVER AND POWERS OF PEACE OFFICER HELPING ANOTHER
JURISDICTION

HOUSE

88

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

be amended as follows:

- 1) Title, line 8
Following: "ASSISTANCE" on line 8
Strike: "AND" through "ENTIRE" on line 9.
- 2) Page 1, line 22
Following: "authority"
Strike: "and supervision"
- 3) Page 1, line 23
Strike: " , and " through "assisting" on line 25.

AND AS AMENDED.

DO PASS

Dec 11/17