

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 31, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on January 31, 1985, at 3 p.m., in Room 420 of the State Capitol.

ROLL CALL: All members of the Committee were present, except Representative Abrams, who was excused.

CONSIDERATION OF HOUSE BILL 152: Representative Ray Peck, District 15, sponsor of the bill told the Committee it appeared to be simple on the surface, but had been submitted to the 46th and 47th Legislatures, where it had been greatly amended. He said the bill, which was introduced at the request of the Lewistown and Havre Montana Highway Patrol Divisions, would prohibit the use of reflective material on the windows of a motor vehicle and may require a statement of intent to delegate rulemaking authority to the Department of Justice.

PROPOSERS: Colonel Bob Landon, Montana Highway Patrol, said he supported the bill, as reflective materials jeopardize officer safety, by not allowing them to see inside a vehicle. Colonel Landon commented other states have passed similar legislation.

Mr. Les Graham, Executive Secretary, Board of Livestock, told committee members his department also supports the bill.

There were no other proponents and no opponents of the bill.

QUESTIONS: Representative Smith told Representative Peck he wondered how such legislation would pertain to out-of-state vehicles, such as vans with reflective materials,

Representative Harbin asked if sun-blocking mylar film and reflective mural screens would be included in the bill. Representative Peck replied they would be.

Representative Koehnke asked if it were important that darkening materials not be on rear windows. Colonel Landon replied officers can see through mylar murals, but have problems with dark plastics on windows.

Representative Harbin said he thought the standards in the bill were vague.

In closing, Representative Peck referred to proposed amendments to the bill (Exhibit 1) and told the Committee the bill was important in terms of law enforcement safety.

CONSIDERATION OF HOUSE BILL 65: Representative Carl Zabrocki, District 26, sponsor of the bill, said it would require nighttime joggers and other recreationists on public roads to wear reflective garments and provides for a penalty of \$5-\$25 for violation of the requirement. He explained the bill's purpose was not to discourage joggers, but to promote safety at night.

PROPOSERS: Colonel Bob Landon, Montana Highway Patrol, stated he supported the concept of the bill for joggers, bicyclists and others. He stated 26 pedestrians were killed in auto accidents in 1983 and 10 in 1984.

Mr. Les Graham, Helena, told the Committee he wears reflective materials when jogging at night and believes it is necessary.

OPPOSERS: Ms. Kimberley Kradolfer, Helena, stated the definitions in the bill are unclear as to what comprises a recreationist and that the amount of reflective material required by the bill seems excessive. Ms. Kradolfer said she believes requiring drivers to be more courteous toward joggers would be more appropriate.

QUESTIONS: Representative Smith asked if there were statistics on accidents caused by pedestrians. Colonel Landon replied there were none.

In closing, Representative Zabrocki asserted that a little reflective tape could save lives.

CONSIDERATION OF HOUSE BILL 491: Representative Carl Zabrocki, District 26, sponsor, said the bill relates to motor vehicle wrecking facilities' junk vehicle records and sets requirements for facility reports to the Division of Motor Vehicles, Department of Justice. Representative Zabrocki cited an incident wherein a drug dealer took vehicle identification numbers from one vehicle and used them on a stolen vehicle. He said the bill would provide that old titles from junked vehicles be turned in to the State to be destroyed in an effort to prevent such incidents from occurring.

PROPOSERS: Mr. Larry Majerus, Administrator, Motor Vehicles Division, Department of Justice, provided committee members with copies of the news article referred to by Representative Zabrocki (Exhibit 2) and of a recommendation in the Legislative Auditor's report of April, 1983, to this effect (Exhibit 3).

Mr. Majerus said prior to 1979, titles were maintained by hand. He explained the bill would amend Section 75-10-512, on page 1, line 20 and page 2, lines 9,10 and 11, to require a monthly listing of all titles not surrendered to the Motor Vehicles Division.

Mr. Majerus advised committee members Title 61 allows a sheriff to dispose of a vehicle valued at \$100 or less, at will, via written release. He added, there is no prescribed form for such written release at this time.

Mr. Larry Mitchell, representing the Department of Health and Environmental Sciences, said he is concerned as the bill would amend the law under which the Department works. He commented violation of the amendments would be grounds for license revocation which could become time consuming later on.

OPPONENTS: Ms. Loretta Miller, Green Meadow Auto Salvage, Helena, told the Committee she agrees that titles should be in Deer Lodge, but timing for sending those titles may be a problem. She said there is concern with lines 17 and 18 on page 2 of the bill and recommended changing the language to "when vehicle titles are sent to Deer Lodge", as well as additional concern with line 24, since plates are often missing.

Mr. Virgil Lohr, Hank's Salvage, Townsend, stated he opposed the same sections referred to by Ms. Miller, but otherwise he supported the bill. He explained there may be a problem in selling a vehicle which has been sitting in a salvage yard for 2 years and for which the title has already been sent to Deer Lodge.

QUESTIONS: Representative Keyser asked Mr. Majerus how he would handle the situation referred to by Mr. Lohr. Mr. Majerus replied there is a need for control of titles to prevent merging of two or more vehicles into one without proper inspection, but the Division would have a record for any title sent in during the past 5 years.

Representative Keyser asked about the procedure when only the cab or another part of a vehicle is sold. Mr. Majerus replied some states have salvage titles for this purpose, but such titles have been found to cause problems. He also stated there is no general vehicle inspection law in Montana, making it nearly impossible to know when a vehicle has been rebuilt from several other vehicles.

Representative Glaser asked what the difference is between an auto dealer and a wrecking facility. Mr. Majerus replied many wrecking facilities are also licensed auto dealers, for which a distinction needs to be made in the bill.

Representative Harbin asked how wrecking facilities obtained releases from former owners of vehicles. Mr. Majerus replied he was unable to define what a release from a former owner is.

Representative Campbell asked how junked vehicles with lost titles or those picked up by cities were handled. Mr. Majerus replied a sheriff can release any vehicle assessed at less than \$100 for pickup.

Representative Keyser asked Mr. Lohr in how many places a vehicle identification number is stamped. Mr. Lohr replied there could be up to 7, to include the dash, door, door post, hood and parts of the undercarriage.

Representative Keyser asked Mr. Mitchell what the Department of Health's involvement was in the bill. Mr. Mitchell replied his department does not check license plates and is primarily concerned with aesthetics, such as fences for junked vehicle yards.

Representative Campbell asked Ms. Miller if she belonged to "the Association". Ms. Miller replied she did and offered her assistance in amending the bill.

In closing, Representative Zabrocki commented that problems with the bill are evident from the hearing and that the "Committee's job is to protect Montana citizens and shut gangsters off".

DISPOSITION OF HOUSE BILL 35: Representative Compton told committee members he has received many calls from his district where more than 80% of the 1 ton vehicles are commercially owned and have additional equipment mounted thereupon. He advised if the fee system were adopted for 1 ton vehicles the added equipment may go unreported and untaxed.

Chairman Harp advised committee members that the total taxable valuation of 1 ton trucks in the State is \$1,644,366 which would account for a tax loss to the counties of \$305,000 per year. He stated when recreational vehicles began registering in 1979, there was an actual increase in vehicle registrations.

Representative Harbin made a motion that House Bill 35 DO NOT PASS. Representative Smith seconded the motion, which received the approval of all committee members except Representatives Campbell and Koehnke, who voted no.

DISPOSITION OF HOUSE BILL 55: Representative Keyser made a motion that the bill DO NOT PASS. Representative Smith seconded the motion. Representative Keyser said he saw no need for the bill as a company can purchase a permit from the Department of Highways now. Representative Smith commented a triple saddle-mount would track closer than a trailer will.

Representative Glaser commented both companies presently purchasing permits in Montana are located out of state and advised the Committee that truck dealers in Montana use only dual saddle-mounts, according to information he received from a trucking acquaintance. He further stated that if tractors are sleepers, 3 tractors could not be saddle-mounted as they would exceed 75' in length.

The motion was carried with all members voting aye except Representative Campbell, who voted no.

DISPOSITION OF HOUSE BILL 185: Representative O'Connell made a motion that House Bill 185 DO PASS.

Representative Koehnke commented he thought the Department acted out of stubbornness and cited a situation near Townsend where residents requested a sign be removed because it blocked the vision of motor vehicle drivers. He said the sign was not removed and two persons were later killed, which led to residents removing the sign and throwing it in the river.

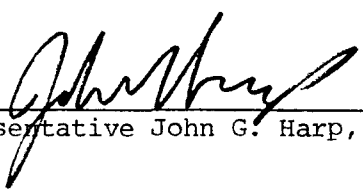
Mr. Tom Gomez, Legislative Researcher, told committee members the bill would establish a separate instance for vo-tech centers and that a state statute has superiority of law over a rule or regulation originated by the Department.

Representative Harbin said, "if funding is changed from viewing vo-tech centers as extensions of high school systems, then the bill would be appropriate, but not now".

Representative Glaser said the bill would establish a precedent, if passed, and the Committee would be inundated with requests for signs.

The motion was subjected to a roll call vote (attached) and carried with 7 members voting aye and 6 voting no. Representative Abrams was excused and did not leave a vote.

There being no further business before the Committee, the meeting was adjourned at 4:40 p.m.



Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date 1-31, 1985

Name	Present	Absent	Excused
Harp	✓		
Abrams			E
Campbell	✓		
Compton	✓		
Glazer	✓		
Harbin	✓		
Howe	✓		
Kennerly	✓		
Koyser	✓		
Koehnke	✓		
O'Connell	✓		
Peterson	✓		
Smith	✓		
Zabrocki	✓		

VISITORS' REGISTER

House Highways & Transp COMMITTEE

BILL NO. *HB 152*

DATE *Jan. 31, 1985*

SPONSOR *Peck*

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Col. R. G. Landon</i>	<i>Clancy</i>	<i>X</i>	
<i>Joe Graham</i>	<i>Helena Dept of State</i>	<i>X</i>	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Jan 31, 1985
Exhibit 1

January 25, 1985

Proposed Amendment to House Bill 152.

1. Page 1, line 17.
Following: "reflective"
Strike: "or darkening"
2. Page 1, line 19.
Following: "into"
Strike: the driver's portion of"

WITNESS STATEMENT

Name Kimberly A. Kradober

Committee On Highways + Trans

Address 822 5th #1, Helena

Date 1-31-85

Representing Nocturnal Joggers

Support _____

Bill No. HB 65

Oppose

Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Problems with definitions "jogger" "runner"
"recreationist"
2. This is a people problem
There is no need for the state
3. to become involved and to make failure to wear
reflective garments a criminal offense.
4. Most appropriate action would be to
pass a resolution encouraging wearing
of reflective garments and encouraging
motorists to be courteous to pedestrians
and bikers

If passed → suggest amendment to just require
reflective clothing (v. specific amount
→ 144")

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NB 491
Jan. 31, 1985
Exhibit 2

Drug suspect faces theft charge

A Billings man already facing two felony drug charges was back in court Tuesday on charges of stealing a sports car that authorities seized during the drug bust in November 1984.

Dennis G. Stewart, 33, of 306 S. 37th St., appeared in Justice Court on felony theft charges. Justice of the Peace Janet Eschler continued a \$5,000 bond that Stewart posted when he was arrested in Custer County.

Court records said Stewart stole a 1976 Datsun 280Z from The Metric Wrench, 2315 Sixth Ave. N., Aug. 2, 1984 then altered three of four identifying numbers on the vehicle.

The owner, who had taken the vehicle to the business for repairs, reported it stolen Aug. 3. Court records said two men came into the repair shop, one paid the bill in cash and the business owner gave him the keys.

When authorities arrested Stewart and three

others on drug sale and possession charges Nov. 27, 1984, they also seized Stewart's car. Upon investigating the vehicle, authorities noticed that three of four identifying numbers appeared to have been altered but that a fourth number, concealed in the car, matched the number belonging to the owner, records said.

The three new numbers came from a wrecked Datsun 280Z that Stewart bought from Lockwood Auto and Truck Salvage, 4053 Old Hardin Road, records said. Stewart used the new numbers and title of the wrecked car to license the stolen vehicle, documents added.

Stewart, represented by attorney Rob Stephens, pleaded innocent to charges of criminal sale and possession of dangerous drugs. No trial date has been set. Authorities seized suspected cocaine and marijuana during the arrest.

OFFICE OF THE LEGISLATIVE AUDITOR
PERFORMANCE AUDIT
MOTOR VEHICLE DIVISION
April 1983

Jan. 31, 1983
Exhibit 3
HB 491

JUNK-VEHICLE TITLES

Currently, there is no requirement that junk-vehicle titles be surrendered to the Registrar's Bureau. Those titles which are presently received by the bureau from various junk-vehicle dealers are submitted voluntarily. Under these circumstances, the bureau cannot effectively purge its files of junk-vehicle records. The potential for titles being lost or misused increases without a surrender requirement. For example, a stolen vehicle could have its identification plate replaced with one from a junked vehicle. The corresponding title might then be purchased from the junk-vehicle dealer, so that the vehicle identification number on the title matched the number on the stolen vehicle. In this way, the theft is "disguised." The Automotive Dismantlers and Recyclers of America have suggested a mandatory surrender of junk-vehicle titles in order to avoid increased state vulnerability to vehicle-theft disguise. The president of the Montana Association of Automotive Dismantlers and Recyclers also expressed no objection to mandatory title surrender.

Motor Vehicle Division officials agree with the need for mandatory surrender of junk-vehicle titles. They have stated they will seek appropriate legislation in this regard.

RECOMMENDATION #6

WE RECOMMEND THAT LEGISLATION BE ENACTED REQUIRING THE SURRENDER OF JUNK-VEHICLE TITLES TO THE REGISTRAR'S BUREAU.

ROLL CALL VOTE

HOUSE COMMITTEE HIGHWAYS AND TRANSPORTATION

DATE Jan 31, 1985 BILL NO. 185 TIME 3:00 p.m.

NAME	AYE	NAY	ABSTAIN
REP. HARP	x		
ABRAMS			E
CAMPBELL	x		
COMPTON		x	
GLASER		x	
HARBIN		x	
HOWE		x	
KENNERLY	x		
KEYSER		x	
KOEHNKE	x		
O'CONNELL	x		
PETERSON	x		
SMITH		x	
ZABROCKI	x		
Totals	7	6	1

Joann T. DeWolf
Secretary

Representative John Harp
Chairman

Motion: O'Connell - DO PASS

STANDING COMMITTEE REPORT

January 31

19 35

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 35

FIRST reading copy (WHITE)
color

INCLUDING TRUCKS HAVING A RATED CAPACITY OF UP TO AND INCLUDING 1 TON IN THE DEFINITION OF LIGHT VEHICLE; MAKING SUCH VEHICLES SUBJECT TO A FEE IN LIEU OF TAX; APPLYING LIGHT VEHICLE LAWS TO TRUCKS HAVING A RATED CAPACITY OF UP TO AND INCLUDING 1 TON;

Respectfully report as follows: That HOUSE BILL Bill No. 35

DO NOT PASS



STANDING COMMITTEE REPORT

January 31

1965

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 55

FIRST reading copy (WHITE)
color

ALLOWING A MOTOR VEHICLE TO DRAW THREE VEHICLES ATTACHED BY THE
SADDLE-MOUNT METHOD; INCREASING THE MAXIMUM LENGTH FOR DRAWN OR
TOWED VEHICLE COMBINATIONS TO 75 FEET;

Respectfully report as follows: That HOUSE BILL Bill No. 55

DO NOT PASE

~~XDO/PASS~~

STANDING COMMITTEE REPORT

January 31

19 85

MR. SPEAKER:.....

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 185

FIRST reading copy (WHITE)
color

REQUIRING THE DEPARTMENT OF HIGHWAYS TO ERECT SIGNS INDICATING ROUTES
TO POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS.

Respectfully report as follows: That HOUSE BILL Bill No. 185

DO PASS

PROXY VOTE

Date Jan. 31, 1985

Representative Abrams District _____

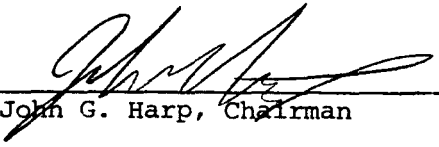
having been excused from this meeting of the House Highways and
Transportation Committee, hereby leaves proxy vote for:

House Bill(s):	_____	Aye	_____	No	_____	Abstain	_____
	_____		_____		_____		_____
	_____		_____		_____		_____
	_____		_____		_____		_____

Senate Bill(s):	_____	Aye	_____	No	_____	Abstain	_____
	_____		_____		_____		_____
	_____		_____		_____		_____
	_____		_____		_____		_____

Other instructions: is excused

Representative Signature


Rep. John G. Harp, Chairman