

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

February 7, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on February 7, 1985, at 3 p.m. in Room 420 of the State Capitol.

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

CONSIDERATION OF HOUSE BILL 230: Representative Bernie Swift, District 64, provided members of the Committee with copies of a Statement of Intent for the bill (Exhibit 1). He said House Bill 230 would give Montana residents who are full-time students at out-of-state institutions of higher education, exemption from registering their vehicles in Montana for the purpose of summer employment. He explained the bill would give the Motor Vehicle Division of the Department of Justice, the authority to provide exemption cards to each county.

There were no proponents and no opponents of the bill.

QUESTIONS: Representative Abrams asked how much problem present legislation has caused in the past. Representative Swift replied about 3,300 students were affected (according to information he received from a 5 year survey), 12 of whom were from his district.

Representative Smith asked what proof of Montana residency the students would need to present if the bill were to pass. Representative Swift replied each student would be required to carry an exemption card. Representative Swift closed without additional comment.

DISPOSITION OF HOUSE BILL 230: Representative Smith made a motion that House Bill 230 DO PASS. The motion was given unanimous approval of the Committee.

CONSIDERATION OF HOUSE BILL 424: Representative Ramona Howe, District 99, sponsor, read from a prepared statement. She said House Bill 424 would provide that the purchaser of a vehicle from anyone other than a licensed automobile dealer, would be required to purchase a sticker in a form prescribed and furnished by the Motor Vehicle Division of the Department of Justice, which would be obtained from the county treasurer or a law enforcement officer.

Representative Howe said the sticker would show the date of purchase and be displayed in the rear window of the vehicle. She explained the purchaser would be required to make application for license plate transfer within 20 days and failure to do so would result in a \$10 penalty to be collected by the county treasurer at the time of registration. Estimated fiscal impact from earmarked special revenue fund is \$700 for the biennium, with an effective date of July 1, 1985.

Representative Howe stated the bill is designed to prohibit a seller from reissuing a bill of sale, thus enabling the purchaser to indefinitely postpone licensure of the vehicle purchased.

PROPOSERS: Mr. Larry Majerus, Administrator, Motor Vehicles Division, Department of Justice, stated there was a dollar amount on a similar bill which passed the House and failed in the Senate in a prior legislative session. He said his division would issue numbered permits to the county treasurer, who would dispense them, while Motor Vehicle Division would retain records.

Mr. Majerus advised committee members Montana is presently the only state which allows a 20 day grace period for licensing a newly purchased vehicle. He said the permit would provide one copy for the rear window of the vehicle and one for the treasurer of the purchaser's county of residence, in addition to follow-up and penalty. Mr. Majerus commented the Legislative Auditor estimated \$1 million in revenue is lost each year, mostly in education funds, from failure to license such vehicles, and that it is a serious problem which he hopes the bill will resolve.

Mr. John Scully, Montana Sheriff's Association, stated his support of the bill.

There were no other proponents and no opponents of the bill. Representative Howe closed without further comment.

QUESTIONS: Representative Harbin asked if the \$10 penalty were too small. Mr. Majerus replied that county treasurers do not like to collect penalties and the Legislature set the fine pertaining to present licensing law 4 years ago.

Representative Glaser asked if the \$10 penalty were covered in the short title description and commented that, if it were not, the Committee could not discuss it.

DISPOSITION OF HOUSE BILL 424: Representative Harbin made a motion that House Bill 424 DO PASS. Representative O'Connell seconded the motion, which was given unanimous committee approval.

CONSIDERATION OF HOUSE BILL 245: Representative Ramona Howe, District 99, sponsor, stated House Bill 245 was requested by the Department of Justice, to prohibit unauthorized manufacture of a Montana driver's license or identification card. She said presently there is no legislation to prevent counterfeiting of a driver's license or identification card.

PROPOSERS: Mr. Larry Majerus, Motor Vehicle Division, Department of Justice, stated that when his division was working on counterfeiting problems with the Gallatin County Attorney, it was discovered there was no statute to prevent anyone from advertising duplicating services (Exhibit 2).

There were no other proponents and no opponents of the bill.
Representative Howe closed without further comment.

DISPOSITION OF HOUSE BILL 245: Representative O'Connell made a motion that House Bill 245 DO PASS. The motion was given unanimous approval by the Committee.

DISPOSITION OF HOUSE BILL 86: Representative Koehnke made a motion that the amendments to House Bill 86 be approved. Representative O'Connell seconded the motion, which was given unanimous committee approval.

Representative Koehnke then made a motion that House Bill 86 DO PASS AS AMENDED. The motion was given unanimous committee approval.

DISPOSITION OF HOUSE BILL 152: Representative Harbin stated that both Representative Peck and Colonel Landon, of the Montana Highway Patrol, agree that some of the issues involved in prohibiting the use of reflective material on rear windows are controversial. He suggested the Committee strike "or rear" on page 1, line 18 of the bill.

Representatives Campbell and Peterson stated they saw no problem with the bill as proposed.

Mr. Tom Gomez, Legislative Researcher, told committee members Representative Peck asked that "darkening" be removed from the bill and "reflective", retained.

Representative Koehnke made a motion that House Bill 52 be Tabled. Representative Harbin seconded the motion, which was given unanimous Committee approval.

DISPOSITION OF HOUSE BILL 66: Representative Koehnke made a motion that the amendments to the bill be approved (Exhibit 3).

Representative Glaser commented there are 5 miles of county road on his property and that if he were to drive with his grandson in the back of a pickup truck, he would be in violation of the proposed law.

The motion made by Representative Koehnke failed with all members voting no except Representatives O'Connell and Koehnke, who voted aye. Representatives Keyser and Zabrocki were absent for the vote.

Representative Abrams made a motion that House Bill 66 be Tabled. The motion was approved with all members voting aye, except Representatives Harbin and O'Connell, who noted no. Representative Glaser abstained from voting.

CONSIDERATION OF HOUSE BILL 225: Representative William (Red) Menahan, District 67, sponsor, stated House Bill 225 would remove the requirement that back taxes be paid prior to registration of a motor vehicle, which would protect the purchaser of a vehicle that had not been licensed for several years, as well as the purchaser of a wrecked vehicle.

Representative Menahan advised committee members a similar bill, which would require payment of taxes for the year prior, was about to pass the Senate, and said the State of California is losing millions of dollars due to problems in its licensing system.

PROPOSERS: Mr. Robert VanDerVere, Helena, stated junk vehicle dealers can presently drive an old vehicle around for years and never pay back taxes.

Mr. Eric Taffs, Helena, stated a purchaser of a vehicle could license an older vehicle in North Dakota or Wyoming, for example, then return to Montana and register the vehicle without paying back taxes.

There were no opponents of the bill.

QUESTIONS: Representative Abrams asked Representative Menahan what problem he was attempting to address in the bill. Representative Menahan replied the Department of Revenue requires that back taxes be paid on a vehicle for up to 5 years. He said junk vehicle dealers can mail plates to Oregon, where licensing fees are \$10, instead of paying back taxes in Montana.

Representative Keyser asked Representative Menahan if he agreed with the revenue estimates on the fiscal note. Representative Menahan replied he didn't, and commented, "the State is not getting funds anyway, since some persons aren't paying back taxes".

Chairman Harp asked Representative Menahan if he would accept a one year back tax proposal and said the Committee would suspend action on the bill pending receipt of a new fiscal note and information on the similar Senate bill, sponsored by Senator Lynch.

Representative Koehnke asked if the bill would cover trucks. Representative Menahan replied it would and closed without further comment.

DISPOSITION OF HOUSE BILL 65: Representative Harbin stated the proposed amendment provides for 2 inches of reflectorized bands on the ankles and wrists of a nocturnal jogger.

Representative Keyser stated he believes there is also a need for reflectorized bands around the middle of a nocturnal jogger.

Representative Zabrocki asked if the language would be appropriate if "or an equal amount" were added. Both Representative Harbin and Keyser responded, stating it would leave too much gray area.

Representative Campbell made a motion that the amendments be approved and then withdrew his motion.

Mr. Tom Gomez, Legislative Researcher, advised the Committee they may want to use "reflective" instead of "reflectorized" and use "material" instead of "garments" in the title.

Chairman Harp recommended the Committee defer action on the bill until proposed changes could be drafted and reviewed.

CONSIDERATION OF COMMITTEE RESOLUTION: Representative Keyser made a motion that the Committee approve the change in House Joint Resolution 30, to a formal title (Exhibit 3). The motion was seconded by Representative Glaser and given unanimous approval by the Committee.

There being no further business before the Committee, the meeting was adjourned at 4:30 p.m.



Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date Feb 7, 1985

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

VISITORS' REGISTER

House Highways & Transp COMMITTEEBILL NO. HB 230DATE Feb 7, 1985SPONSOR Swift

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Dianne Donnelly	Mont. Assoc. of Counties	—	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

49th Legislature

LC 0421

STATEMENT OF INTENT

HB BILL NO. 230

A statement of intent is required for this bill because it directs the motor vehicle division of the department of justice to prescribe the form of an exemption card and to issue the cards to county treasurers. The card should be wallet-sized and have spaces for identifying the person to whom the card is issued, issuance date, and expiration date.

VISITORS' REGISTER

House Highways & Transp COMMITTEE

BILL NO. HB 424DATE Feb 7, 1985SPONSOR Howe

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Larry Majenn</i>	<i>Mtr Veh. Div</i>	<i>X</i>	
<i>Deanne Bonnelly</i>	<i>Mont Assoc of Counties</i>	<i>—</i>	

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VISITORS' REGISTER

House Highways & Transp COMMITTEE

BILL NO. HB 245

DATE Feb 7, 1985

SPONSOR Connelly Howe

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

2-7-85
HB 245
Exhibit 2

"LOOKS LIKE DRIVER LICENSE

Only . . . The Genuine Uni-Photo ID resembles your State Driver's License! Guaranteed. Details 25c; for 24 hr. processing send \$12.00, photo, personal description to: Uni-Photo, Dept. Q43C, Box 3808, Bozeman, MT 59715. Unavailable OK, ND. Not government issued."

AMEND HOUSE BILL 66 AS FOLLOWS:

1. Page 1, line 15.

Following: "thrown out."

Insert: "The provisions of this section apply only to the roadways of the Federal-aid interstate, primary, and secondary highway system, as defined in 60-1-103, and the roadway of city streets, as defined in 60-1-201. As used in this section, the term "roadway" has the meaning contained in 61-1-206. The provisions of this section do not apply if the truck is only crossing over the roadway from one side to the other."

VISITORS' REGISTER

House Highways & Transp. COMMITTEE

BILL NO. HB 225

DATE Feb 7, 1985

SPONSOR Menahan

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

R E S O L U T I O N

2-7-85
Exhibit 4
HR 30

WHEREAS, the United States Congress failed to act on the 1984 Interstate Cost Estimate, thereby delaying some new interstate construction in forty three states, including Montana, and

WHEREAS, \$7.5 billion of interstate construction monies are being held within the Federal Highway Trust Fund, rather than being invested in the national interstate system, and

WHEREAS, \$26.4 million to be used on completion of the interstate gaps in Montana has been withheld due to the lack of Congressional passage of the 1984 Interstate Cost Estimate, and

WHEREAS, continued delay of monies for interstate construction in Montana will adversely affect the economy of this state, and

WHEREAS, the failure to receive these interstate funds in Montana will result in the loss of construction and service jobs within this state, and

WHEREAS, early construction of the remaining interstate segments in Montana will result in improved highway safety benefits to reduce traffic accidents, injuries, and fatalities among Montana motorists, and

WHEREAS, the present Interstate 4R formula represents a fair and equitable allocation of federal Interstate 4R funds,

NOW THEREFORE BE IT RESOLVED, that the Legislature of the State of Montana respectfully requests the United States Congress to act immediately in the passage of a two year unencumbered Interstate Cost Estimate, and

BE IT FURTHER RESOLVED, that the U.S. Congress maintain the current Interstate 4R funding formula, and

BE IT FURTHER RESOLVED, that this resolution be transmitted to all members of the United States Congress for their consideration.

STANDING COMMITTEE REPORT

February 7

1935

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 36

FIRST reading copy (WHITE)
color

Page 1 of 2

TO INCLUDE PASSING A SCHOOL BUS DISPLAYING A
FLASHING RED SIGNAL IN THE ORRENSBECOF RECKLESS
DRIVING.

Respectfully report as follows: That HOUSE BILL Bill No. 36

be amended as follows:

1. Title, line 5
Following: "SIGNAL"
Insert: "WITH WILLFUL OR WANTON DISREGARD FOR THE SAFETY
OF PERSONS OR PROPERTY"
2. Page 1, line 20
Following: "(c)"
Strike: "passes"
Insert: "operates any vehicle in willful or wanton disregard
for the safety of persons or property while passing"
3. Page 1, line 23
Following: "described in"
Strike: "61-8-351(4)"
Insert: "61-8-351(5)"

AND AS AMENDED

DO PASS

.....February 7..... 19 35....

HOUSE BILL 86

AMENDMENTS

Page 2 of 2

4. Page 2, line 15
Following: "proceed"
Insert: "(2)"
Renumber: Subsequent subsections
5. Page 2, line 16
Following: "vehicle"
Strike: "must"
Insert: "shall"

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

February 7

1935

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 230

FIRST reading copy (WHITE)
color

EXEMPTING MONTANA RESIDENTS WHO ARE FULL-TIME STUDENTS AT
OUT-OF-STATE INSTITUTIONS OF HIGHER EDUCATION AND WHO ARE
REQUIRED TO LICENSE THEIR VEHICLES IN THE OTHER STATES FROM
THE REQUIREMENT OF PURCHASING MONTANA LICENSE PLATES AND
PAYING VEHICLE FEES IN ORDER TO ENGAGE IN SUMMER EMPLOYMENT
IN MONTANA.

Respectfully report as follows: That HOUSE BILL Bill No. 230

DO PASS

STANDING COMMITTEE REPORT

February 7

19 35

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 245

FIRST reading copy (WHITE)
color

**TO PROHIBIT UNAUTHORIZED MANUFACTURE OF A MONTANA DRIVERS'
LICENSE OR IDENTIFICATION CARD.**

Respectfully report as follows: That HOUSE BILL Bill No. 245

DO PASS

STANDING COMMITTEE REPORT

February 7

1945

MR. ~~SPEAKER~~:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL Bill No. 424

FIRST reading copy (WHITE)
color

TO PROVIDE FOR A VEHICLE PURCHASE STICKER IN A PRESCRIBED
FORM AS PROOF OF PURCHASE FOR PURPOSES OF THE REGISTRATION
GRACE PERIOD.

Respectfully report as follows: That HOUSE BILL Bill No. 424

DO PASS

PROXY VOTE

Date 2-7-85

Representative Kennedy District 9

having been excused from this meeting of the House Highways and

Transportation Committee, hereby leaves proxy vote for:

House Bill(s):	<u>86</u>	Aye	<u></u>	No	<u>X</u>	Abstain	<u></u>
	<u>230</u>		<u></u>		<u></u>		<u>X</u>
	<u>245</u>		<u></u>		<u></u>		<u>X</u>
	<u>424</u>		<u></u>		<u></u>		<u>X</u>

Senate Bill(s):	<u></u>	Aye	<u></u>	No	<u></u>	Abstain	<u></u>
	<u></u>		<u></u>		<u></u>		<u></u>
	<u></u>		<u></u>		<u></u>		<u></u>
	<u></u>		<u></u>		<u></u>		<u></u>

Other instructions:

x Robert Kennedy
Representative Signature

John G. Harp
Rep. John G. Harp, Chairman