

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

March 12, 1985

The meeting of the Highways and Transportation Committee was called to order by Chairman Harp on March 12, 1985, at 3:30 p.m. in Room 420, State Capitol.

ROLL CALL: All members of the Committee were present.

DISCUSSION OF HOUSE BILL 383: Chairman Harp advised committee members that Burlington Northern had asked Attorney General, Mike Greely, for an opinion on House Bill 383, and that Mr. Greely had replied it was not his policy to issue such opinions prior to final action on any pending legislation.

OTHER BUSINESS: Chairman Harp suggested that committee members review House Bill 735, which would remove \$15 million from the highway earmarked account and provide \$12 million of that figure to the foundation program and \$3 million to block grants. He told the Committee the proposed 3 cent gas tax would add \$30 million to the highway earmarked account (which would replace the amount of the proposed withdrawal), but he is concerned with talk of killing the gas tax portion of the bill, while the \$15 million would still be removed from the earmarked account. Chairman Harp said primary highways in the state would be the first to suffer due to the loss of these funds, as the RTF program would have to be cut.

Chairman Harp explained that local governments received a 100% funding increase to their roads during the 1983 session and commented that interest generated by the highway earmarked account is about \$12 million.

Representative Glaser told committee members there is a bill in the House Business and Labor Committee similar to House Bill 19.

CONSIDERATION OF SENATE BILL 15: Senator Allen Kolstad, District 7, sponsor, stated Senate Bill 15 was drafted at the request of the Code Commissioner and would revise special vehicle licensing laws pertaining to disabled veterans, prisoners of war (POW's) and the handicapped. He said these persons are presently addressed in three separate portions of the codes and that the bill would clean up this language.

PROPOSERS: Mr. Jim Lear, Legislative Council attorney, testifying on behalf of the Code Commissioner, explained that Senate Bill 15 would clear up inconsistencies and conflicts in existing codes in (1) section 61-3-443 through 61-3-446, passed in 1983, which pertains to disabled veterans, POW's and handicapped persons; (2) section 61-3-445, which addresses special parking permits and exemptions, such as wheel chair emblems; (3) Titles 10, 49 and 61, which would be affected by moving some special provisions from Title 10 to Title 61.

There were no other proponents and no opponents of Senate Bill 15.

QUESTIONS: Representative Keyser, referring to page 3 of the bill, asked if handicapped persons would retain their cards as well as their special license plates. Mr. Lear replied nothing is being removed from the codes as they exist presently, and that the bill does nothing more than remove redundant language.

Representative Keyser asked what section 61-3-443, MCA, in the repealer section, referred to. Mr. Lear replied it pertains to special license plates for disabled veterans.

There were no other questions from the Committee and Senator Kolstad closed without comment.

CONSIDERATION OF SENATE BILL 344: Senator Ted Neuman, District 21, sponsor, told committee members Senate Bill 344 defines anhydrous ammonia nurse tanks and the exemptions of some tanks from special mobile license fees and GVW fees. He said many such tanks are owned by farmers who are not required to purchase special mobile plates or to pay GVW fees, since the tanks are considered to be personal property and are taxed as such.

Senator Neuman explained confusion presently exists between GVW personnel of the Department of Highways, fertilizer suppliers and farmers, as to the status of the tanks and that the bill exempts only tanks with a capacity of 3,000 gallons or less.

PROPONENTS: Mr. Leanne M. Schraudner, Montana Agri-Business Association, stated there are 200 fertilizer and chemical dealer-members in her organization. She said differing requirements in the counties create problems for the Highway Patrol, GVW Division, and others, and since the tanks are exempt for farmers, there is a need for clarity and uniformity (Exhibit 1).

Mr. Jerry Sullivan, representing Agri-Basics, Great Falls, told committee members he supported the bill.

There were no other proponents and no opponents of Senate Bill 344.

QUESTIONS: Representative Zabrocki told the Committee there is a problem in his community in identifying owners of such tanks when they are left on city streets and become an odor problem during warm weather periods. Senator Neuman replied Senate Bill 345 addresses such situations and is now before the House.

Representative Glaser asked if there was a way for law enforcement personnel to identify owners of such tanks and commented that anhydrous ammonia can be hazardous to human health. Senator Neuman replied he was aware of the capability of anhydrous ammonia to cause burns, but was not aware of any deaths caused in the State by the chemical. He asked Mr. Sullivan to respond, who stated he, too, was unaware of health problems related to anhydrous ammonia in the State.

Representative Keyser asked what fiscal impact the bill would have. Mr. Don Copley, Administrator, GVW Division, Department of Highways, replied he did not have statistics available and said a few persons pay GVW fees of \$20 annually, for tanks between 10,000 and 12,000 pounds. Senator Neuman also responded to the questions and said the 60 firms that sell anhydrous ammonia have approximately 15-20 tanks each, for an approximate total of 1,200 tanks. He multiplied the \$20 GVW fee by 1,200 tanks in arriving at an estimated fiscal impact of \$24,000.

Representative Smith commented he believed a tank could not be licensed with special mobile (SM) plates unless personal property taxes had been paid on the tank. Senator Neuman advised the Committee the majority of such tanks are between 1,200 and 1,400 gallon capacity.

Representative Harbin stated he was concerned with the definition for nurse tanks in the bill and said "farm-wagon" tanks is a broad definition.

Vice Chairman Abrams commented that a self-propelled tank could actually be considered to be a truck.

Representative Keyser asked Mr. Copley if his division was in agreement with the position taken by the Montana Agri-Business Association on the bill. Mr. Copley replied the GVW Division would exempt such tanks from licensing and GVW fees.

In closing, Senator Neuman advised the Committee that the Attorney General, through rule, would address lights and brakes and another bill, also heard this date, would address safety problems relating to such tanks.

CONSIDERATION OF SENATE BILL 373: Senator Ted Neuman, District 21, sponsor, stated the purpose of Senate Bill 373, was to revise and clarify the Motor Vehicle Safety-Responsibility Act. He said presently, a responsible party to an accident who does not have liability insurance receives a judgment. Senator Neuman told

committee members the judgement must be paid within 90 days or the responsible party is faced with suspension of his or her motor vehicle registration and license, via hearing. He commented that when a motor vehicle is owned by a corporation, or registered to more than one person, only the license is suspended.

Senator Neuman advised committee members that presently an individual may post a bond in lieu of insurance, in the amount of \$11,000, as allowed by statute. He said the bill requires a \$55,000 bond, equivalent to proof of insurance, in accordance with statutes.

PROPONENTS: Mr. Larry Majerus, Administrator, Motor Vehicle Division, Department of Justice, cited a 10 year old U.S. Supreme Court decision, *Bell v Burson*, 402US535, as an example for the proposed legislation. He said the Supreme Court ruled that neither a license nor a motor vehicle registration may be suspended without due process, which led to cessation of such action by the Montana Highway Patrol, at that time.

Mr. Majerus told committee members if the changes proposed in the bill are not made, the Department of Justice will need to approach the Legislature for appropriate changes pertaining to due process.

There were no other proponents and no opponents of Senate Bill 373.

A bill summary prepared by Mr. Tom Gomez, Legislative Researcher, was presented to committee members (Exhibit 2).

There were no questions from the Committee, and in closing, Senator Neuman advised committee members that when the minimum liability was set at \$55,000 in the Motor Vehicle Safety-Responsibility Act, a corresponding law was not changed and was left at \$11,000.

DISPOSITION OF SENATE BILL 373: Representative Glaser made a motion that Senate Bill 373 BE CONCURRED IN. The motion was seconded by Representative Harbin and given unanimous approval by the Committee.

DISPOSITION OF SENATE BILL 15: Representative Harbin made a motion that Senate Bill 15 BE CONCURRED IN. The motion was seconded by Representative O'Connell and given unanimous approval by the Committee.

OTHER BUSINESS: Chairman Harp and Vice Chairman Abrams advised committee members they would consult with Legislative Researcher, Tom Gomez, in drafting a committee letter pertaining to use of highway earmarked funds for other purposes and the Committee's concerns with such action.

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There being no further business before the Committee, the meeting was adjourned at 4:45 p.m.

Representative John G. Harp, Chairman

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date Mar 12, 1985

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

VISITORS' REGISTER

House Highways & Transp. COMMITTEEBILL NO. SB 15DATE March 12, 1985SPONSOR Kolstad

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Jim Lear</i>	<i>Helena</i>	<i>X</i>	
<i>Larry Mayenas</i>	<i>Motor Vehicle Div</i>	<i>X</i>	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

House Highways & Transp. COMMITTEE

BILL NO. SB 344

DATE March 12, 1985

SPONSOR Neuman

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

March 12, 1985
Exhibit 1
SB344

TESTIMONY OF THE MONTANA AGRICULTURAL BUSINESS ASSOCIATION IN
SUPPORT OF SENATE BILL 344

Senate Bill 344 arises out of the contradiction and vague laws regarding the registration for anhydrous ammonia nurse tanks in the state. Under present law, if a farmer owns an anhydrous ammonia nurse tank, there is no registration fees. However, if an anhydrous ammonia nurse tank is leased to a farmer by a fertilizer dealer, who sells anhydrous ammonia, he can be required to pay a registration fee. Unfortunately, the law has never been clear on what, if any, registration fees were mandated. As a result of this confusion, some counties require a special mobile equipment license fee of \$5, counties required a gross vehicle weight fee, and some counties required no registration. Thus, the fertilizer dealers dealing in anhydrous ammonia were subject to all kinds of different regulations, that were not applied with any consistency.

As a result, members of the Montana Agricultural Business Association met with representatives of the Public Service Commission, the gross vehicle weight division, the Montana Highway Patrol and the Kim Kradolfer of the Attorney Generals office to discuss addressing this problem.

The outgrowth of those meetings was an agreement by all parties to clarify the law by making anhydrous ammonia nurse tanks, whether or not they are owned by a farmer, exempt from licensing. Of course, personal property tax is paid on any and all anhydrous ammonia nurse tanks, regardless of ownership.

We urge your support of SENATE BILL 344 to clarify registrative requirements for anhydrous ammonia nurse tanks.

Leanne M. Schraudner, Lobbyist
Montana Agricultural Business Association

House Highways & Transp. COMMITTEE

DATE March 21, 1985

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Bill Summary

Senate Bill 373.

March 12, 1985

Senate Bill 373 generally revises the provisions of the "Motor Vehicle Safety Responsibility Act", codified under Title 61, chapter 6, part 1.

As written, Senate Bill 373 contains the following features:

Section 1 would amend section 61-6-112, MCA, to remove language that includes the surrender of an owner's motor vehicle registration for failure to comply with various laws under the "Motor Vehicle Safety Responsibility Act".

Section 2 amends section 61-6-122, MCA, to remove from the current law, suspension of an owner's motor vehicle registration for failure to satisfy a judgement for damages because of bodily injury, death of a person, or property loss arising from use of a motor vehicle.

Section 3 amends section 61-6-125, MCA, to eliminate reference to suspension of an owner's motor vehicle registration for non-payment of a judgement.

Section 4 amends section 61-6-131, MCA, by deleting the requirement that the Division of Motor Vehicles suspend the registration of a motor vehicle if the Division revokes, under the laws of the State, the license of any person.

Section 5 amends section 61-6-133, MCA, to strike subsection (2) that prohibits registration of a motor vehicle if the vehicle is not described in a certificate of insurance filed with the Division of Motor Vehicles.

Section 6 amends section 61-6-138, MCA, and increases to \$55,000 the amount of money or securities that may be deposited with the state treasurer as proof of a motor vehicle owner's financial responsibility.

Section 7 amends section 61-6-142, MCA, by removing reference to suspension or surrender of an owner's motor vehicle registration.

Section 8 amends section 61-6-151, MCA, by eliminating reference to suspension of vehicle registration.

Section 9 repeals section 61-6-111, MCA, prohibiting the transfer of an owner's motor vehicle registration if such registration has been suspended.

STANDING COMMITTEE REPORT

March 12 1985

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL Bill No. 15

THIRD reading copy (BLUE)
color

AN ACT TO GENERALLY REVISE AND CLARIFY CERTAIN SPECIAL VEHICLE LICENSE LAWS;

Respectfully report as follows: That SENATE BILL Bill No. 15

BE CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

March 15

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MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL 373 Bill No. 373

THIRD reading copy (BLUE)
color

**AN ACT TO REVISE AND CLARIFY THE MOTOR VEHICLE SAFETY-RESPONSIBILITY
ACT;**

Respectfully report as follows: That SENATE BILL Bill No. 373

HE CONCURRED IN

~~DO PASS~~