

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

February 5, 1985

The seventh meeting of the Highways and Transportation was called to order at 1 p.m. on February 5, 1985 by Senator Daniels, acting Chairman, in Room 410 of the Capitol Building.

ROLL CALL: All members were present except Senator Stimatz, Chairman, and Senator Lybeck who were excused.

There were visitor's in attendance. (SEE ATTACHMENT)

CONSIDERATION OF SENATE BILL 107: Senator Shaw, Senate District 12, was the sponsor of this bill. He was asked to introduce this bill by the Montana Highway Patrol. The general summary of this bill is attached as EXHIBIT 1A.

PROPONENTS: Colonel Landon, representing the Highway Patrol, spoke in support of SB 107. He felt that this bill was needed in Montana because currently there are no statutes that require people to tie their loads down on pick-up trucks or automobiles. There are obstructions that fall off trucks onto the highway and cause problems. Wood haulers are a particular problem. The passage of this bill would help the Highway Department maintenance crews and would also help ensure safety on the highways. It is very simple and short but it is big on the effect of safety.

OPPONENTS: There were no opponents to SB 107.

Questions from the committee were called for.

Senator Tveit asked Senator Shaw what was considered a "load"? Senator Shaw replied by stating that he needed to look up a section in the codes in order to answer the question.

Senator Farrell asked Colonel Landon the same question asked by Senator Tveit, and what he had intended? Colonel Landon replied by stating the intention was to have a statute they could work with so people would secure their loads. It would cover any type of a load on any vehicle. The loads were to be secured by tying them down with ropes, vines, or cables so material won't fall off onto the highway and obstruct traffic.

Senator Williams asked Colonel Landon if round bails of hay should be secured? Colonel Landon replied that in his thinking, yes they should be tied down.

Senator Farrell asked Colonel Landon if large trucks were already covered under the safety rules of the Department of Transportation? Colonel Landon replied yes, and logging trucks are covered by state statute. Senator Farrell added that all large trucks are covered by Federal Department of Transportation.

Senator Farrell asked Colonel Landon if he was talking basically about farm trucks and pick-ups? Colonel Landon replied that was correct and the pick-up trucks carrying the wood gave them the biggest problem.

Senator Bengston asked Colonel Landon if this bill was applicable to beet trucks? Colonel Landon replied yes, technically this applies to beet trucks also, but that isn't their main problem. Large objects are what they are concerned with.

Senator Bengston asked what sort of penalty would be enforced? Colonel Landon replied that it would come under the penalty section 61-8-711, MCA, which would be 10-100 dollars.

Senator Hager asked Colonel Landon if the term "vehicle" included small trailers? Colonel Landon replied that it did.

Senator Shaw closed by saying that he felt there was a problem and they need to take a serious look at it. This bill would give the Highway Patrol a little leverage to stop an outfit that is not tied down and make them secure their loads.

The hearing was closed on SB 107.

CONSIDERATION OF SENATE BILL 108: Senator Shaw, Senate District 12, was the sponsor of this bill. This bill would be giving the Highway Patrol a little more reason for being out on the highways stopping traffic offenders. The bill has to be amended, but the purpose is to slow traffic down. If the figures of 65 to 70 mph are used as the top speed, rather than the 55 mph up to a figure the committee will agree upon, acceptable to Senator Shaw, then a fine of \$35 will be added and they hope this will slow the traffic down. Within this bill they repealed some sections that will have to be worked with. The general summary of this bill is attached as EXHIBIT 1B.

PROPOSERS: Colonel Landon, representing the Highway Patrol, spoke in support of SB 108. The Highway Patrol supports the concept of this bill and felt the fine should be raised for those people who are traveling at an excessive rate of speed. It is a real problem to continually stop people who are traveling at high speeds for a \$5 fine. Someone driving at 80 or 90 mph should pay more of a fine because they have obstructed the peace division of the State of Montana by driving at that speed.

Ben Havdahl, representing the Montana Motor Carriers Association, spoke in support of SB 108. He spoke about the repealing section, 61-8-312, MCA, which is the speed limit now imposed upon trucks. Right now under the present Energy Conservation Law, trucks operating on 2-lane highways are under a speed limit of 60 mph, on 4-lane highways it is 65 mph. Any violation of those two speed limits is subject to a misdemeanor and first offense fine of \$10 to \$100 and a jail sentence according to the statute. The affect of this bill would lift the truck speed limit, rule the misdemeanor penalty, and provide for a 55 mph speed limit (up to 55 mph and not over 71 mph) to a fine of \$5 with no reflection on the record. Anything over 71 mph would be subject to the misdemeanor section.

OPPONENTS: There were no opponents to SB 108.

Questions from the committee were called for.

Senator Tveit asked Colonel Landon if driving over 80 mph was considered reckless driving? Colonel Landon replied that it depended upon the officer and the attitudes of the County Attorney and the Judge.

Senator Tveit asked Colonel Landon if the 65 mph speed limit at night would be repealed? Colonel Landon replied that the actual speed limit is 55 mph, 24 hours a day on the interstate. The section you are referring to deals with the truck speed, which is now 65 mph maximum at any time. The Supreme Court upheld this, and would like it repealed.

Senator Farrell asked Colonel Landon if he would object to amending line 9 on page 3 to read: "less than 65 mph" rather than "71 mph"? Colonel Landon replied that he would not object to that amendment.

Senator Farrell asked Senator Shaw if he would object? Senator Shaw replied no.

Senator Williams commented on line 7. page 2, which states that the speed limit is 25 mph in an urban district. The speed limit set in Neihart is 40 mph. Senator Williams then asked Colonel Landon if Neihart would be considered an urban district? Colonel Landon replied that it depended upon the people who lived there.

Senator Farrell asked Colonel Landon if the Highway Commission was referred to as the Highway Department rather than the Highway Commissioners, in this bill? Colonel Landon replied that was correct.

Paul Verdon, Legislative Council Researcher, clarified as to why by stating that setting speed limits is one of the few duties the Highway Commission has.

The hearing on SB 108 was closed.

CONSIDERATION OF SENATE BILL 237: Senator Christiaens, Senate District 17, was the sponsor of this bill. What this bill does is require issuance of a sufficient number of permits for all oversized vehicles owned by implement dealers. The general summary of this bill is attached as EXHIBIT 1C. He gave some background information on the necessity of this bill. (SEE EXHIBIT 2)

PROPOSERS: Blake Wordal, representing the Montana Hardware and Implement Association, spoke in support of SB 237. He stated that most states allow special permits for farm equipment dealers, in addition the cost of those permits are significantly lower than the cost of Montana's, which is \$75. They do not object to the \$75 cost, but they want to make the transferability feature workable.

Don Copley, representing the Department of Highways, spoke in support of SB 237.

OPPONENTS: There were no opponents to SB 237.

Questions from the committee were called for.

There were no questions from the committee.

The hearing was closed on SB 237.

CONSIDERATION OF SENATE BILL 253: Senator Lynch, Senate District 34, was the sponsor of this bill. Senator Farrell, Senate District 31, introduced this bill on behalf of Senator Lynch. This bill was requested by the Division of the Motor Vehicles. The general summary of this bill is attached as EXHIBIT 1D.

PROPONENTS: Larry Majerus, representing the Motor Vehicle Division for the Department of Justice, spoke in support of SB 253.

OPPONENTS: There were no opponents to SB 253.

Questions from the committee were called for. There were no questions.

The hearing on SB 253 was closed.

ACTION ON SENATE BILL 253: Senator Farrell moved that the committee recommend a DO PASS on SB 253. The motion carried and passed unanimously.

ACTION ON SENATE BILL 237: Senator Bengston moved that the committee recommend a DO PASS on SB 237. The motion carried and passed unanimously.

Senator Daniels stated that further research was required on SB 107, as well as SB 108. He felt there was real problem with SB 107. He felt it had merit, but needed to be discussed in more detail.

The committee had a brief discussion on SB 107.

Senator Bengston talked about methods in which to warn people on the highways about obstruction falling from trucks, such as laws regarding littering.

Senator Farrell stated there were no such laws. The larger trucks are covered, but the smaller trucks are not.

Senator Tveit stated that he felt this was too broad.

Senator Williams stated that it is too vague.

Senator Daniels appointed a sub-committee for further discussion of this bill. The members appointed were Senator Shaw, Senator Hager, Senator Farrell, and Senator Tveit. Senator Shaw was Chairman.

Further business of the committee was called for.

Senator Williams presented a proposed Resolution concerning the Designated Driver Program in Montana.

Senator Daniels appointed a sub-committee to look at this further.

The members appointed were Senator Williams, Senator Daniels, and Senator Bengston. Senator Williams was Chairman.

ANNOUNCEMENTS:

The sub-committee's on SB 74 and SB 113 will report to the committee on Thursday, February 7, 1985.

ADJOURNMENT:

The meeting was adjourned at 1:50 p.m.



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M.K. Daniels  
Vice-Chairman

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

~~48th~~ LEGISLATIVE SESSION -- 1985  
49th

Date 2-5-85

SENATE  
SEAT  
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ			X
<del>#25 SENATOR MANNING</del>			
#27 SENATOR BENGTON	X		
#8 SENATOR DANIELS	X		
#32 SENATOR FARRELL	X		
#42 SENATOR HAGER	X		
#48 SENATOR LYBECK			X
#23 SENATOR SHAW	X		
#3 SENATOR TVEIT	X		
#39 SENATOR WILLIAMS	X		

Each day attach to minutes.

DATE February 5, 1985

COMMITTEE ON Highways and Transportation

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

SUMMARIES OF BILLS TO BE HEARD BY

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

TUESDAY, FEBRUARY 5, 1985

- 1A SB 107, Introduced by Senator Shaw, by request of the Montana Highway Patrol. This bill requires that the load on any truck be secured to prevent it from falling off the truck.
- 1B SB 108, introduced by Senator Shaw. This bill specifies that the statewide speed limit is 55 mph and eliminates the designation of "fuel conservation speed limit". A fine of \$5 is provided for speeding over 55 mph but less than 71 mph, without jail sentence, and the offense may not be part of the driver's record. Speeding over 71 mph is subject to the general traffic penalty.
- 1C SB 237, introduced by Senator Christiaens. This bill requires that when the Department of Highways issues oversize permits to a dealer, an original permit will be issued for each of the dealers' vehicles.
- 1D SB 253, introduced by Senator Lynch, by request of the Division of Motor Vehicles. This bill provides that a temporary sticker issued by the county treasurer when license plates are unavailable must be displayed in the upper left-hand corner of the rear window of the vehicle rather than in the lower right-hand corner of the windshield.



**MONTANA  
HARDWARE &  
IMPLEMENT  
ASSOCIATION**

EXHIBIT 2

HIGHWAYS &  
TRANSPORT,

3087 N. Montana Avenue  
P.O. Box 4459  
Telephone 406/442-1590  
Helena, Montana 59604

ne advocate for Montana and Northern Wyoming retail hardware and farm implement dealers

Senate Bill 237      Fact Sheet

In 1981, the legislature significantly increased the fees for oversize permits. At the same time, the law provided that these permits for implement dealers were transferrable from unit to unit. The ability to transfer the permits has been seriously hampered by the Department of Highway's requirement that the original permit be in the vehicle when in use. The Department of Highways could not allow the use of copies of the permit. As a result, the equipment dealers have been forced to buy permits for each of their vehicles or to attempt to keep track of the original permit and move it from vehicle to vehicle. The purchase of several permits is contrary to the intent of the law which allows the transfer of the permit. Moving the permit from vehicle to vehicle is simply a waste of time.

The Montana Hardware and Implement Association approached the Department of Highways to attempt to resolve this problem and the result is Senate Bill 237. The bill simply requires that upon approval by the Department of the issuance of oversize permits to the dealer, the Department shall issue original permits for all vehicles of the dealership.

Both the Department of Highways and the Montana Hardware and Implement Association support Senate Bill 237

# STANDING COMMITTEE REPORT

FEBRUARY 5 19. 85

MR. PRESIDENT

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL No. 253

first reading copy ( white )  
color

**PROVIDING FOR DISPLAY OF A TEMPORARY MOTOR VEHICLE STICKER ON REAR WINDOW**

Respectfully report as follows: That SENATE BILL No. 253

DO PASS

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/s/  
M.K. DANIELS

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 5,

1985

MR. PRESIDENT

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

having had under consideration..... **SENATE BILL** No. **237**

first reading copy ( white )  
color

**OVERSIZE PERMITS FOR ALL SUCH VEHICLES OF IMPLEMENT DEALERS**

Respectfully report as follows: That..... **SENATE BILL**..... No. **237**.....

DO PASS

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15/  
.....  
**N. K. DANIELS**

Chairman.