

MINUTES OF THE MEETING  
HIGHWAYS AND TRANSPORTATION COMMITTEE  
MONTANA STATE SENATE

February 14, 1985

The tenth meeting of the Highways and Transportation was called to order at 12:30 p.m. on February 14, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

ROLL CALL: All members were present.

There were visitors in attendance. (SEE ATTACHMENT)

CONSIDERATION OF SENATE BILL 373: Senator Neuman, Senate District 21, was the sponsor of this bill. This bill deals with the responsibility portion of the motor vehicle code. The general summary of this bill is attached as EXHIBIT 1.

PROPOSERS: Larry Majerus, representing the Motor Vehicle Division, spoke in support of SB 373. He stated that some states do have financial responsibility laws that require them to suspend registration, but they are always hassling, for example between the husband and the wife, as to whether they should really pull the license plates off that particular car. He called attention to the top of page six, where they are changing the amount of securities to 55,000 dollars.

OPPOSERS: There were no opposers to SB 373.

Questions from the committee were called for.

Senator Tveit asked Larry Majerus to explain the \$55,000 gain. Larry Majerus replied that the minimum liability amount of motor vehicle insurance could be found in Section 61-6-103, MCA. It is \$25,000 because of bodily injury or death of any one person in the accident, but is limited to \$50,000 for two or more persons in any one accident. So if they add the \$50,000 and the \$5,000 for property, you get the \$55,000.

Senator Shaw asked Larry Majerus how much harder it is to raise \$55,000 than \$11,000? Larry Majerus replied it would be 5 times harder.

Senator Weeding asked Larry Majerus what became of that uninsured vehicle that wrecked your car and you've filed a judgment against them? Larry Majerus replied the driver is responsible for posting financial responsibility because the judgment is against the driver.

The hearing was closed on SB 373.

ACTION ON SENATE BILL 373: Senator Shaw moved a DO PASS on SB 373. The motion carried and passed unanimously.

EXECUTIVE SESSION was called to order.

DISPOSITION OF SENATE BILL 108: Senator Shaw moved the amendments PASS. (SEE EXHIBIT 2) The Highway Patrol wanted the discrimination stopped between cars, buses, and trucks. They want to slow the traffic down. This bill as amended should do this.

Senator Bengston asked Senator Shaw if the trucks and buses would be fined \$25? Senator Shaw replied that over 65 mph would be fined \$25.

Senator Bengston asked Senator Farrell what was so important about slowing down traffic? Senator Farrell replied that one of the problems was that the average speed limit in Montana is approaching non-qualification, which includes cars that receive a federal revenue share.

Senator Tveit asked Senator Farrell why the speed limit went down from 71 mph to 65 mph? Senator Farrell replied that most patrolmen in the State of Montana use a tolerance and if the speed limit is set at 65 mph, they will start writing tickets at 71 mph, if you make the speed limit 71 mph, they'll start writing tickets at 77 mph. This is an unofficial tolerance.

Senator Tveit asked Senator Farrell if you drive 100 mph will you get a \$25 fine? Senator Farrell replied by stating that you could also get a reckless driving ticket and cited for basic rule.

Senator Weeding asked Senator Farrell if 65 mph was the bottom of the basic rule level? Senator Farrell replied that the speed limit does not have anything to do with the basic rule.

The motion to pass the amendments was voted on and passed with Senator Tveit voting NO.

Senator Shaw moved a DO PASS AS AMENDED on SB 108. The motion carried and passed with Senator Bengston and Senator Tveit voting NO.

DISPOSITION OF SENATE BILL 327: Senator Lybeck moved that the amendments PASS. (SEE EXHIBIT 3) The motion carried and passed unanimously.

Senator Bengston moved a DO PASS AS AMENDED on SB 327. The motion carried and passed unanimously.

DISPOSITION OF SENATE BILL 74: Senator Bengston reviewed the proposed amendments that were drawn up in the sub-committee. Some of the members were not present during some of their meetings, so they requested that SB 74 be re-referred back to the sub-committee. (Bengston, Daniels, Lybeck, and Tveit)

DISPOSITION OF SENATE BILL 113: Senator Williams stated that the sub-committee on SB 113 would like additional time to meet with Gary Wicks of the Highway Department. Chairman Stimatz granted the sub-committee additional time and SB 113 was re-referred back into sub-committee. (Williams, Farrell, Hager and Shaw)

Senator Williams asked Chairman Stimatz for permission to discuss HB 23, which was on the floor on third reading. Chairman Stimatz replied that he may do so.

Senator Williams stated that Senator Hammond brought to his attention that they might be repealing some County Commissioners' authority. He removed it from third reading and put in back on second reading.

Bill Gosnell, from the Highway Department, stated that three sections that are being repealed are dealing with sections that were put in the law in the mid 70's as a result of the highway act on the federal level at that time. The three sections are 60-3-208, 60-3-221 through 60-3-225, and 60-3-231 through 60-3-234. These sections are no longer operative. There is no federal programs that put money into these programs.

Senator Williams asked Bill Gosnell if the federal law was no longer there or if the funds were gone? Bill Gosnell replied that both were gone.

The discussion was concluded on HB 23.

DISPOSITION OF SENATE BILL 344: Senator Shaw moved a DO PASS on SB 344.

Senator Farrell stated that under the new section they classify the tanks as 3000 gallon. In testimony, 1000 gallon tanks were classified as being 10,000 pounds; so effectively this would allow a tank weighing 30,000 pounds to run down the road without any license plates or brake system.

Senator Bengston asked if the tank haulers pay GVW fines? Senator Farrell replied the bill would exempt them from paying these fines.

Senator Shaw stated that the tanks only travel about 5 miles down the road. These people need all the help they can get.

Senator Farrell stated that he talked with Senator Neuman, who sponsored this bill, and he had no objection to lowering the tank weight to 1500 gallons.

Senator Weeding stated that 1000 gallon tanks are typical and a 3000 gallon tank is enormous. He felt a 1500 gallon tank would be sufficient.

Senator Tveit stated that it would be a tremendous savings to the commercial people by not having to license those trailers and use them as non-commercial farm vehicles.

Senator Lybeck stated that during testimony, some of the dealers stated that they have special hauling trucks they use to move these tanks and that was the way they operated. They felt they were a lot safer to the traveling public and to their own equipment.

Senator Daniels asked Senator Farrell if the amendment was put in

to lower the tank from 3000 pounds to 1500 pounds, would that take care of the problems? Senator Shaw answered the question by stating that the nurse trucks hook empty 3000 gallon tanks to the trailer and then they can take it out to the field and fill it up. That is the intent, not to pull a loaded 3000 gallon tank onto the field.


Senator Shaw also stated that the purpose of the bill was to exempt the farmers from buying licenses and putting lights on the tanks. It was not that they wanted a GVW license plate for the trailers.

Senator Shaw's motion to DO PASS SB 344 carried and passed with Senator Farrell and Senator Williams voting NO.

Senator Bengston moved the Statement of Intent BE ADOPTED. The motion carried and passed unanimously.

ADJOURNMENT:

The meeting was adjourned at 2:55 p.m.

  
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LAWRENCE G. STIMATZ  
CHAIRMAN

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

48th LEGISLATIVE SESSION -- 1985

Date 2-14-85

SENATE  
SEAT  
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
<del>#25 SENATOR XXXXXXXX</del>			
#27 SENATOR BENGTSON	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		
#26 SENATOR WEEDING	X		

Each day attach to minutes.

DATE 2-14-85

COMMITTEE ON Highways and Trans.

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretariat)

SUMMARY OF BILL TO BE HEARD BY  
SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION  
THURSDAY, FEBRUARY 14, 1985

SB 373, introduced by Senator Neuman, amends the Motor Vehicle Safety-Responsibility Act to remove the requirements for suspension of registration in certain circumstances. The bill continues in effect the provisions requiring suspension and surrender of driver's license.

be amended as follows:

1. Title, line 6.  
Following: "THAN"  
Strike: "71"  
Insert: "65"
2. Title, line 8.  
Following: "61-8-303,"  
Insert: "61-8-312,"
3. Title, line 10.  
Following: "61-8-307"  
Strike: "AND 61-8-312"
4. Page 3, line 9.  
Following: "than"  
Strike: "71"  
Insert: "65"
5. Page 3, line 14.  
Following: "(b)"  
Strike: "71"  
Insert: "65"

6. Page 3, line 15.

Following: "61-8-711"

Insert: "and bond for this offense shall be \$25"

7. Page 4, line 8.

Following: line 7

Insert: "Section 4. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on ~~trucks, truck tractors,~~ motor-driven cycles, and vehicles towing housetrailers. (1) ~~No person shall operate any truck or truck-tractor the gross weight of which exceeds 8,000 pounds at a speed greater than 65 miles per hour on those completed sections of interstate and four-lane divided highways and 60 miles per hour on those completed sections of primary and secondary highways.--However, the truck nighttime speed limit shall not exceed that of automobiles as stated in 61-8-303.~~

~~(2)~~ No person shall operate any motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

~~(3)~~ (2) No person shall operate a vehicle which is towing a housetrailer at a speed greater than a maximum of 50 miles per hour.""

Renumber: subsequent section

8. Page 4, line 9.

Following: "61-8-307"

Strike: "and 61-8-312"

be amended as follows:

1. Title, line 7

Following: "IS"

Strike: the remainder of line 7

Insert: "ACCOUNTABLE"

2. Page 3, line 15

Following: "subsection (1)"

Insert: "and the identity of the driver of said vehicle cannot be established"

3. Page 3, line 16

Following: "registered is"

Strike: the remainder of line 16 through "violation" on line 17

Insert: "accountable for any violation of this section that is caused by his vehicle"

# STANDING COMMITTEE REPORT

FEBRUARY 14

1935

MR. PRESIDENT

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

having had under consideration **SENATE BILL** No. **373**

**first** reading copy ( **white** )  
color

**REVISE & CLARIFY MOTOR VEHICLE SAFETY-RESPONSIBILITY ACT**

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

DO PASS

~~XXXXXXXXXX~~

**LAWRENCE G. STINATZ**

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 14..... 1985.....

MR. PRESIDENT

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

having had under consideration..... **SENATE BILL**..... No. **108**.....

**first**..... reading copy ( **white** )  
color

**REVISING SPEEDING PENALTY, \$5 FINE FOR 55 TO 70 MPH**

Respectfully report as follows: That..... **SENATE BILL**..... No. **108**.....

be amended as follows:

1. Title, line 6.

Following: "THAN"

Strike: "71"

Insert: "65"

2. Title, line 8.

Following: "61-8-303,"

Insert: "61-8-312,"

3. Title, line 10.

Following: "61-8-307"

Strike: "AND 61-8-312"

4. Page 3, line 9.

Following: "than"

Strike: "71"

Insert: "65"

5. Page 3, line 14.

Following: "(b)"

Strike: "71"

Insert: "65"

CONTINUED

AND AS AMENDED

DO PASS

~~XXXXXXXXXX~~

  
LAWRENCE G. STIMATZ

Chairman.

6. Page 3, line 15.

Following: "61-8-711"

Insert: "and bond for this offense shall be \$25"

7. Page 4, line 8.

Following: line 7

Insert: "Section 4. Section 61-8-312, MCA, is amended to read:

"61-8-312. Special speed limitations on trucks, truck tractors, motor-driven cycles, and vehicles towing house trailers. (1) No person shall operate any truck or truck tractor the gross weight of which exceeds 9,999 pounds at a speed greater than 65 miles per hour on those completed sections of interstate and four-lane divided highways and 60 miles per hour on those completed sections of primary and secondary highways. However, the truck nighttime speed limit shall not exceed that of automobiles as stated in 61-8-303."

(2) No person shall operate any motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

(3) (2) No person shall operate a vehicle which is towing a house trailer at a speed greater than a maximum of 50 miles per hour."

Renumber: subsequent section

8. Page 4, line 9.

Following: "61-8-307"

Strike: "and 61-8-312"

# STANDING COMMITTEE REPORT

FEBRUARY 14

19 85

MR. PRESIDENT

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL No. 327

first reading copy ( white )  
color

## PRESUMPTION AS TO OWNER OF CAR THAT ILLEGALLY PASSED STOPPED SCHOOL BUS

Respectfully report as follows: That SENATE BILL No. 327

be amended as follows:

1. Title, line 7

Following: "IS"

Strike: the remainder of line 7

Insert: "ACCOUNTABLE"

2. Page 3, line 15

Following: "subsection (1)"

Insert: "and the identity of the driver of said vehicle  
cannot be established"

3. Page 3, line 16

Following: "registered is"

Strike: the remainder of line 16 through "violation" on  
line 17

Insert: "accountable for any violation of this section that  
is caused by his vehicle"

AND AS AMENDED

DO PASS

~~XXXXXXXXXX~~

Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 14 ..... 19 85

MR. PRESIDENT

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

having had under consideration..... **SENATE BILL** No. **344**

**first** reading copy ( **white** )  
color

**ANHYDROUS AMMONIA NURSE TANKS - EXEMPTIONS FROM FEES**

Respectfully report as follows: That..... **SENATE BILL** No. **344**

DO PASS

~~XXXXXXXXXX~~

**STATEMENT OF INTENT ADOPTED  
AND ATTACHED**

.....  
**LAWRENCE G. STIMATZ**

Chairman.