

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 19, 1985

The seventeenth meeting of the Highways and Transportation was called to order at 1 p.m. on March 19, 1985 by Chairman Lawrence G. Stimatz in Room 410 of the Capitol Building.

ROLL CALL: All members were present.

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

CONSIDERATION OF HOUSE BILL 254: Representative Devlin, House District 25, was the sponsor of this bill. He stated that this bill would require that persons under 19 who renew their driver's license or are getting their first license, to have a profile picture on that license. This was brought to his attention by a bar owner in Terry, MT. The bar owner felt it would help when they look at the license to determine whether the person is under the drinking age. Representative Devlin stated that he felt it would also be a big help to grocery stores and quick stops. He noted that other states have been doing this, and if the drinking age is raised to 21, then the bill will be changed to go along with that age. (New Section 4) He stated that there would be no cost at all for this. The general summary of this bill is attached as EXHIBIT 1A.

PROPOSERS: Representative Devlin, House District 25, spoke in support of HB 254.

Larry Majerus, Administrator for the Division of Motor Vehicles, stated that his department had no position on HB 254, but he testified for informational purposes. He passed around some profile licenses from Montana's neighboring states. He noted that some of the pictures were full profiles, and some were partial profiles. This bill gave the discretion to go either route concerning the profile picture, but it was the departments intention to go with the partial profile. The states that have the full profile have had complaints from law enforcement because they feel it impaired identification. Presently they do stamp provisional on the licenses of those people who are under the age of 19.

OPPOSERS: There were no opponents to HB 254.

Questions from the committee were called for.

Senator Farrell asked Larry Majerus if the profile picture gave enough identification? Mr. Majerus replied that with a full profile picture, sometimes you cannot even tell if it is a man or a woman.

Senator Bengston asked Representative Devlin if you would have a full face photo when you reached the age of over 19? Representative Devlin replied that was correct.

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Senator Hager asked Larry Majerus if a person would have the right to ask for their license to be reissued if they turned over the age of 19 before the license expired? Mr. Majerus replied that they could obtain a duplicate or turn their license in for a new one for a fee of \$5.

Senator Weeding asked Larry Majerus if other states only target at the 19 and under group of people? Mr. Majerus replied that to his knowledge all the profile licenses are tied to the drinking age in the other states.

Representative Devlin closed by stating that the partial view of the picture on the license would seem better, the full profile may cause problems with identification. He thought the department would go with the partial profile if the bill was passed.

The hearing was closed on HB 254.

CONSIDERATION OF HOUSE BILL 332: Representative Bradley, House District 79, was the sponsor of this bill. This was introduced at the request of the Justices of Peace. This bill deals with penalties for operating a motor vehicle without liability insurance. The change adds to the \$250 fine already existing in the law, the option of imprisonment in the county jail for not more than 10 days, or both. The Justice of the Peace Association wanted this as a matter of increasing their leverage to stronger enforcement. They felt it was not really too severe because you can suspend the sentence. The general summary of this bill is attached as EXHIBIT 1C.

PROPOSERS: Representative Bradley, House District 79, spoke in support of HB 332.

OPPOSERS: There were no opponents to HB 332.

Questions from the committee were called for.

Senator Hager asked Representative Bradley if it was not possible to give a jail sentence now the way the law was written now? Representative Bradley replied that was correct, that a fine was the only thing imposed at the present time.

Senator Lybeck asked Representative Bradley if all of this fine would be administered? Representative Bradley replied that it was not to exceed \$250.

Senator Lybeck asked if they were ever assessing the \$250 fine? Representative Bradley replied if they wanted the jail option, they probably have gone up to that maximum and they wanted something a little more harsher.

Senator Lybeck asked Representative Bradley if she felt this would correct the problem of arrests made do to no liability insurance? Representative Bradley replied that she hoped so and she felt it was going to be a good deterrent.

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Senator Shaw asked Representative Bradley if the Justice of the Peace could impose this now? Representative Bradley replied they only have the option of the \$250 fine now; they want the jail sentence as an alternative to make the penalty a little more harsher.

Senator Bengston asked Representative Bradley if the JP's have any compilation of the number of times they have imposed the \$250 fine? Representative Bradley replied that she expected they did, but did not have the statistics then. Representative Bradley stated she could get that information for the committee.

Senator Bengston stated if they are not imposing the \$250 fine now, why give them more authority.

Representative Bradley stated that she would have to make an assumption that the JP's felt this penalty was not strong enough. She stated that this was a very serious crime and if the JP's wanted more leverage she was supportive of that.

Representative Bradley stated once again that she would try to get some statistics to the committee.

Senator Weeding asked Representative Bradley what option did the Justice of the Peace have if someone was in violation and did not have or would not pay the \$250 fine? Representative Bradley referred the question to Senator Daniels who replied that there was a general statute that said if you cannot pay the fine then you have to serve it at \$10 per day. If you refuse to pay, then you are in contempt.

Senator Williams asked Representative Bradley if a person was stopped and did not have the proper papers with him at that time, but did have insurance, what would be the option? Representative Bradley replied that the JP would take into consideration that you did have the insurance, but if you were not carrying the proof with you there would probably be a separate penalty dealing with that.

Senator Daniels stated that in his experience, the Judge generally would dismiss the case if you showed him the proof of insurance.

The hearing was closed on HB 332.

CONSIDERATION OF HOUSE BILL 331: Representative Quilici, House District 71, was the sponsor of this bill. The armed forces reservists requested the bill. It gave them the opportunity to buy special license plates. The bill said that each member of the reservists of the United States who receive special license plates under subsection (1), would be liable for payment of all taxes and fees required under parts 3 and 5 of this chapter. There was no real effect on the general fund, people that want the plates said they would pay for them because they want special recognition. It would be on the same order as the National Guard plates. Representative Quilici stated that a lot of times members of the reserve armed forces travel, and in an event of an emergency the plates

would signify that they were members of the reservists. The general summary of this bill is attached as EXHIBIT 1B.

PROPONENTS: Representative Quilici, House District 71, spoke in support of HB 331.

Scott Jourdonnais, representing the United States Marine Corp Reservists, spoke in support of HB 331. He stated that he talked to all the Marines in Montana that travel to Spokane, where they are based, and they felt it would be very significant to have these special plates, and they would be proud to have them on their vehicles as they travel.

Larry Majerus, Administrator for the Division of Motor Vehicles, stated that his department had no position on HB 331, but he asked if a technical amendment could be made on page 2, line 9; to strike the words "Such distinctive plates must be renewed every five years". He felt this sentence was not necessary.

OPPONENTS: There were no opponents to HB 331.

Questions from the committee were called for.

Senator Lybeck asked Larry Majerus what happened when the member ceases to be a part of the reservists? Senator Lybeck was directed to page 2, line 3 of the bill which said the member shall surrender the plates upon becoming ineligible to use them.

Senator Lybeck asked if they could pay for their own plates? Representative Quilici replied that they were paying for the plates from the state special revenue fund, there is no reference to the general fund and the plates would cost \$25 each.

Senator Weeding asked if \$25 was the cost for all special license plates? Larry Majerus replied that regular special plates cost \$20 the first year and \$5 for renewal. He did not think these plates would fall under this category however, they would be provided the same way the National Guard plates are furnished.

The hearing was closed on HB 331.

CONSIDERATION OF HOUSE BILL 424: Representative Howe, House District 99, was the sponsor of this bill. This bill was requested by the Department of Justice, Motor Vehicle Division. House bill 424 was an act to provide for a vehicle purchase sticker in a prescribed form as proof of purchase for purposes of the registration grace period, amending section 61-3-317, MCA, and providing for an immediate effective date. Currently under Montana law, a vehicle purchased from a private individual can be operated for twenty (20) days upon the streets and highways of this state without a bill of sale or other proof of purchases displayed in the rear window of the motor vehicle. This privilege is one of the most abused motor vehicle laws and continues to be a problem for law enforcement. It is a simple way to avoid registration and payment of taxes and fees. The Motor Vehicle Division receives

numerous complaints from law enforcement and credits citizens on the bill of sale abuse. The prescribed form would leave an audit trail so the purchase date may be verified. The prescribed form will also be made available through law enforcement agencies and the county treasurer and should not be an inconvenience to the public. The amendment provides for improving law enforcement effort and increases collection of revenue with more compliance with the law. The general summary of this bill is attached as EXHIBIT 1D.

PROPOSERS: Representative Howe, House District 99, spoke in support of HB 424.

Larry Majerus, Administrator for the Division of Motor Vehicles, spoke in support of HB 424. He stated that this bill was introduced more than once. The major change from previous years was that they do not provide a fee. That was where they got into trouble before, because someone thought they were in revenue making mode. They feel the county and the motor vehicle fees would be paid and they had no problem in providing this permit from their present budget. This sticker would be similar to the 20-day sticker that is currently issued by the dealer. It looks the same, but will be a different color so attention could be made to it. They felt when a person went to the county treasurer's office to get the form, they would probably register their car at that time. When the division was audited in the last biennium, by the legislative auditor and the performance auditor, they were critical of them in the area of not going after non-registered vehicles.

OPPOSERS: There were no opponents to HB 424.

Questions from the committee were called for.

Senator Hager asked Larry Majerus if the form color was going to be rotated throughout the year? Mr. Majerus replied that they probably would not, and the only reason to make the sticker a different color would be to differentiate between the present 20-day sticker. He felt it was not necessary to rotate colors, the new sticker would have an expiration date.

Senator Hager asked Larry Majerus if this would be a substitute for the present 20-day sticker, or in addition to? Mr. Majerus replied that it would not effect the sale by a dealer, only the sale by private parties who currently operate on a bill of sale.

Senator Williams asked Larry Majerus if the sticker was moved to be placed in the front window in a different bill? Mr. Majerus replied that was a 60-day permit that is issued by the county treasurer when you cannot obtain a title to the vehicle.

Senator Lybeck asked Larry Majerus what the penalty would be if you got caught abusing the sticker by changing the expiration date, etc.? Mr. Majerus replied that the penalty would be equivalent to whatever the penalty is for not registering your vehicle, which is a small misdemeanor.

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Senator Williams asked when you sell a car to another person, privately, when does your liability stop and the purchaser's start on that particular bill of sale? Does it have to be notarized? Mr. Majerus replied that there was no requirement in the law to notarize the bill of sale, and as he is not an attorney, he could not answer the question on the liability, but he did assume that the burden of proof would be on the person who sold the vehicle because the records at the division will never change; they will still show him as the legal owner of that vehicle. The seller would have to maintain some proof that in fact he or she sold the vehicle.

Senator Williams asked if the vehicle could be insured on the bill of sale without the title? Senator Stimatz replied that normally an auto insurance company would cover any new purchases for thirty days, but it should be checked with your agent to be sure.

Senator Hager asked if the division needed an early effective date on this bill? Mr. Majerus replied he did not believe so. They would like some time to educate the public that the law would be going into effect, if passed, so there would not be any unnecessary ticketing.

The hearing was closed on HB 424.

EXECUTIVE SESSSION was called to order.

DISPOSITION OF HOUSE BILL 424: Senator Williams moved HB 424 BE CONCURRED IN.

Senator Hager made a sub-motion to adopt amendments to HB 424. (SEE EXHIBIT 2) The motion carried and passed unanimously. The amendments to HB 424 were ADOPTED.

Senator Williams moved HB 424 BE CONCURRED IN AS AMENDED. The motion carried and passed unanimously. Senator Lybeck was assigned to carry this bill on the floor.

DISPOSITION OF HOUSE BILL 332: Senator Weeding moved HB 332 BE CONCURRED IN.

There was further discussion.

Senator Farrell asked if the Judge was not levying the \$250 fine, and only levying a \$25 or \$50 fine, if it was right to put the person in jail? Senator Stimatz replied that this bill would give the Judge the power to put the person in jail, but right now he did not have that power.

Senator Farrell asked if the Judges were being as severe with their fines as being placed in jail would be? Senator Daniels replied that Representative Bradley was going to supply that information to the committee.

Senator Bangston suggested that the committee await action on this bill until Representative Bradley gave them the needed information.

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Senator Weeding withdrew his motion.

Senator Stimatz stated that they would hold action on HB 332 pending receipt of the information from Representative Bradley.

DISPOSITION OF HOUSE BILL 331: Senator Shaw moved HB 331 BE CONCURRED IN.

Senator Farrell made a sub-motion to adopt amendments to HB 331. (SEE EXHIBIT 3) The motion carried and passed unanimously. The amendments to HB 331 were ADOPTED.

Senator Shaw moved HB 331 BE CONCURRED IN AS AMENDED. The motion carried and passed unanimously. Senator Farrell was assigned to carry this bill on the floor.

DISPOSITION OF HOUSE BILL 254: Senator Bengston moved HB 254 BE CONCURRED IN. The motion carried and passed unanimously. Senator Bengston was assigned to carry this bill on the floor.

RECONSIDERATION OF HOUSE BILL 65: This bill was sent back to the committee on a motion made by Senator Bengston.

Senator Bengston stated that she thought the amendment that was put on at the hearing on this bill was not included in the bill on the floor, and she also felt this law would be unenforceable.

Senator Stimatz stated that the amendments were on the bill, they are not placed in the body of the bill until after second reading.

ACTION ON HOUSE BILL 65: Senator Weeding moved HB 65 BE CONCURRED IN AS AMENDED.

There was further discussion.

Senator Hager stated that he was against the motion, because he talked to a jogger on the day it came out on the floor, and she indicated a real problem. He felt that the bill was too broad, and he felt if people would use common sense and wear light clothing, then the problem would be solved.

Senator Tveit stated that he was in favor of the motion. He felt it was an educational process and saving even one life would be worth passing the bill. He felt the bill had merit and it would alert people to take safety precautions while out jogging or walking.

Senator Williams stated that he thought the intent of the bill was to draw attention to the problem. The \$5 fine would not mean much and they probably would not assess any of the fines. Passing the bill would at least get the intention out that there is a problem.

Senator Lybeck stated that he was in favor of the motion. He felt

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it would save lives, particularly in regards to the young people in school who are in sports programs. They do a lot of running in their training and if something could be done to save lives, he felt it important that it be done.

Senator Bengston stated that this would be frivolous to put on the law books. She felt it was an educational process that could be carried out by any organization. It will come about sooner or later without putting it on the books, and why would you want to put educational material in the law. She felt it could not be enforced.

A roll call vote was taken on Senator Weeding's motion that HB 65 BE CONCURRED IN AS AMENDED. The vote ended in a tie, 5-5. (SEE EXHIBIT 4)

Senator Shaw moved HB 65 be TABLED.

A roll call vote was taken, the motion passed with the vote being 6-4. (SEE EXHIBIT 5) HB 65 was TABLED.

DISPOSITION OF HOUSE BILL 230: There was further discussion.

Senator Farrell asked if a student worked a nighttime job what would happen? Senator Hager replied that he would not be required to buy the license plate as long as he was a full-time student.

Senator Stimatz stated that he doubted that any state was requiring a full-time student to license their car in the state they were attending school, if they were licensed in the state they live in.

Senator Farrell asked Larry Majerus if a 3-4 hour job after school would be considered gainfully employed? Mr. Majerus replied that the research they found was that no statutes in the neighboring states addressed the status of students, as is Montana silent on the student status. The law merely speaks to gainfully employed, and that usually is a local law. Most states have the gainfully employed law on the books that says if you are gainfully employed in that state, you must license your car there.

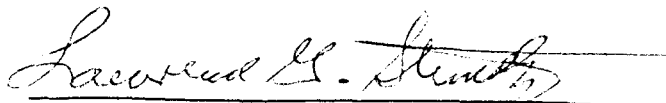
Senator Farrell stated that he would like to see the Montana students who go to school out-of-state and come home to work in the summer, get a break in order to pay for that school.

Senator Lybeck moved HB 230 be TABLED. The motion carried and passed. HB 230 was TABLED.

ANNOUNCEMENTS:

The next meeting will be Thursday, March 21, 1985.

ADJOURNMENT: The meeting was adjourned at 2:10 p.m.


LAWRENCE G. STIMATZ
Chairman

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-19-85

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
#7 SENATOR STIMATZ	X		
#25X SENATOR XMANXINE			
#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		
#26 SENATOR WEEDING	X		

Each day attach to minutes.

DATE: March 19, 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 & TRANSPORTATION
TUESDAY, MARCH 19, 1985

- 1A HB 254, introduced by Representative Devlin, requires that a driver's license or identification card issued to a person younger than 19 bear a profile photograph.
- 1B HB 331, introduced by Representative Quilici, is effective July 1, 1986, authorizing distinctive license plates for members of the reserve armed forces.
- 1C HB 332, introduced by Representative Bradley, broadens the possible penalties for the misdemeanor of operating a motor vehicle without liability insurance to include a jail sentence of up to 10 days.
- 1D HB 424, introduced by Representative Howe, by request of the Motor Vehicle Division, Department of Justice, requires a vehicle purchase sticker obtained from the county treasurer or a law enforcement officer to be displayed on a vehicle purchased from someone other than a licensed dealer.

Amendments to HB 424, third reading bill

HIGHWAYS & TRANSPORT.

1. Title, lines 9 and 10.

Following: "MCA"

Strike: the remainder of line 9 through "DATE" on line 10

2. Page 2, lines 21 and 22.

Strike: section 3 in its entirety

Amendments to HB 331, third reading bill

1. Page 2, lines 9 through 11.

Following: "vehicle."

Strike: the remainder of line 9 through 11

ROLL CALL VOTESENATE COMMITTEE HIGHWAYS AND TRANSPORTDate 3-19-85 HOUSE Bill No. 65 Time 2 p.m.

NAME	YES	NO
SENATOR STIMATZ	X	
SENATOR BENGTON		X
SENATOR DANIELS		X
SENATOR FARRELL		X
SENATOR HAGER		X
SENATOR LYBECK	X	
SENATOR WEEDING	X	
SENATOR SHAW		X
SENATOR TVEIT	X	
SENATOR WILLIAMS	X	

Margie Bender
Secretary

LAWRENCE G. STIMATZ
Chairman

Motion: BE CONCURRED IN AS AMENDED

ROLL CALL VOTESENATE COMMITTEE HIGHWAYS AND TRANSPORTDate 3-19-85 HOUSE Bill No. 65 Time 2:05 p.m.

NAME	YES	NO
SENATOR STIMATZ	X	
SENATOR BENGTON	X	
SENATOR DANIELS	X	
SENATOR FARRELL	X	
SENATOR HAGER	X	
SENATOR LYBECK		X
SENATOR WEEDING		X
SENATOR SHAW	X	
SENATOR TVEIT		X
SENATOR WILLIAMS		X

Margie Bender
Secretary

LAWRENCE G. STIMATZ
Chairman

Motion: TO TABLE HB 65

STANDING COMMITTEE REPORT

MARCH 19

1985

MR. PRESIDENT

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

having had under consideration..... **HOUSE BILL** No. **424**

third reading copy (blue) (SENATOR LYBECK)
color

**PROVIDE FOR VEHICLE PURCHASE STICKER AS PROOF OF PURCHASE -
GRACE PERIOD**

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

be amended as follows:

1. Title, lines 9 and 10.

Following: "MCA"

Strike: the remainder of line 9 through "DATE" on line 10

2. Page 2, lines 21 and 22.

Strike: section 3 in its entirety

AND AS AMENDED
BE CONCURRED IN

XXXXXX
90-1435

XXXXXX
90-1435

LAWRENCE G. STIMATI

Chairman.

STANDING COMMITTEE REPORT

MARCH 19

1985

MR. PRESIDENT

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

having had under consideration..... **HOUSE BILL** No. **331**

third reading copy (blue)
color

(SENATOR FARRELL)

SPECIAL LICENSE PLATES FOR ARMED FORCE RESERVISTS

Respectfully report as follows: That..... **HOUSE BILL** No. **331**

be amended as follows:

1. Page 2, lines 9 through 11.

Following: "vehicle."

Strike: the remainder of line 9 through line 11

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

LAWRENCE G. STIMATZ

Chairman.

STANDING COMMITTEE REPORT

MARCH 19

1985

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **254**

third reading copy (**blue**)
color

(SENATOR BENGSTON)

PROFILE PHOTOGRAPHS ON DRIVER'S LICENSES ISSUED TO PERSONS

UNDER 21

Respectfully report as follows: That **HOUSE BILL** No. **254**

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

LAWRENCE G. STIVATS

Chairman.