

MINUTES OF THE MEETING
HIGHWAYS & TRANSPORTATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 19, 1987

Chairman John Harp called the meeting to order at 1:00 p.m. in Room 317 of the Capitol, Helena.

ROLL CALL

All members were present.

Bills to be heard were HB 786, SB 76, SB 75, SB 43.

SENATE BILL 75

Sen. Hubert Abrams, District #12, sponsor of the bill, said this is an act requiring only one taillamp on motor-cycles, motor-drive cycles and quadricycles. The law requires vehicles assembled after January 1, 1956, be equipped with two taillamps. SB 75 would help standardize the lighting required. EXHIBIT A.

PROPOSERS

COLONEL R. W. (BOB) LANDON, Chief of the Highway Patrol, supports SB 75. This bill makes it fair for people who buy a cycle that has only one taillamp on it and he feels that the law should require only one taillamp on motorcycles, motor-driven cycles, and quadricycles. SB 75 would help standardize the lighting required.

OPPOSERS - None

QUESTIONS FROM THE COMMITTEE

Rep. Roth asked about the reason for putting two lights on a car. Isn't a car a 4-wheel quadricycle?

Col Landon answered that after 1956 all vehicles were required to have two taillights on them. The width of a quadricycle is narrow and they feel that two lights are not necessary. They will have reflectors and just one taillight. They're mostly operated off the highway.

Sen. Abrams closed saying this is mostly a housekeeping measure.

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EXECUTIVE SESSION

Rep. Jones moved SB 75 DO PASS. The motion CARRIED.

SENATE BILL 76

Sen. Abrams, District #12, sponsor of SB 76, said SB 76 raises the amounts of property damage resulting from a motor vehicle accident that triggers notification to and reporting to law enforcement officers; and amending 61-7-108 and 109, MCA. (EXHIBIT #1) This bill raises from \$100 to \$250 the amount of property damage that has to be immediately reported. It also raises the damage amount from \$250 to \$400 for which a written report has to be made within 10 days of the accident to the accident department. The purpose is to serve a written report and take care of some of the problems.

PROPOSERS

COLONEL R. W. (BOB) LANDON, Chief of the Highway Patrol, supports SB 76. It doesn't change the law, it just raises the reporting limits for people involved in accidents.

OPPOSERS - None

Sen. Abrams closed.

EXECUTIVE ACTION

Rep. Helen O'Connell moved SB 76 BE CONCURRED IN. The motion CARRIED.

SENATE BILL 43

Sen. Bill Farrell, District #31, sponsor of SB 43, explained this bill is an act clarifying when a \$500 bond is required for special fuel users, and amends 15-70-304, MCA. It simply gives the fuel tax division authority to waive the \$500 bond requirement of a special fuel user, who is not subject to sections 2(a) or 2(b). The proposed amendment he handed out would reinsert language on page 1, lines 15 and 16, to allow the department to request a bond on storage fuel.

PROPOSERS

BEN HAVDAHL, Montana Motor Carriers Association, supports SB 43 as amended.

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OPPONENTS - None

QUESTIONS FROM THE COMMITTEE

The committee was amenable to the proposed amendment.

Sen. Farrell said he would appreciate the same consideration for SB 76 as the committee gave SB 75.

EXECUTIVE ACTION

Rep. Swysgood moved that the amendment BE ADOPTED; and this motion was unanimously adopted.

Rep. Swysgood moved SB 43 BE CONCURRED IN AS AMENDED; motion CARRIED unanimously. Rep. Swysgood will carry this bill on the House floor.

HOUSE BILL 291

Rep. Harper said he had figured out a way to fund the reregistration notices. Trying to get the language right, there is another way they can do it. The bill raised the fuel conservation fine to \$20.00. This committee won't be able to buy that kind of increase, and there are two other problems. They don't want to come into special session if the speed limit is raised and they don't have enough money to fund light vehicle reregistration notices. They should raise the fine by \$2.00 to \$7.00. There is a chance they may raise the speed limit in Congress to 65 mph.

HOUSE BILL 423

Rep. Swysgood moved to TABLE HB 423. The motion CARRIED unanimously.

HOUSE BILL 786

Rep. Jack Sands, District 90, Billings, sponsor of HB 786, said the committee may want to review some technical things. This is an act transferring to the highway patrol all authority for enforcement and administration of the gross weight laws and certain motor carrier laws; providing for disposition of gross vehicle weight license fees; granting rule-making authority, amending several sections and repealing some; providing for an effective date.

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This bill would consolidate the PSC GVW and the highway patrol GVW duties under one organization, under the highway patrol. The PSC checks and has their own cars and personnel. GVW also operates way stations, stops and arrests people, and has a patrol that does all the known functions. If we want to promote government savings, we should put all these people in the same department. Then if one officer stops a truck, he can check for all three problems: for PSC, GVW, and patrol. This is similar to a bill introduced in the last legislature. On page 11 it seems to imply these GVW fees would go to the Department of Justice. It is not the intention of the bill to make this transfer. The language in there appears to do that. It should be changed if the committee acts on this bill.

PROPOSERS - None

OPPOSERS

JESS MUNRO, Administrator of the Gross Vehicle Weight Division of the Department of Highways, opposes HB 786. A bill was introduced late in the 1985 Legislature and was killed in committee and again it is late. He feels there are some technical errors, and there was not enough time to study it. It is inconsistent with legislation considered in the Senate Highways Committee. The GVW Division is responsible to protect, preserve, and structure by weighing vehicles and fine under misdemeanor laws and issue citations for offenses. These are separate from the highway patrol. There would be significant costs because it would make GVW officers' pay increase by two grades. It would take \$320,000 per year for Highway Department salaries. It would transfer \$23 million from the Highway Department budget for GVW which is \$4.3 million per year and will be \$19.5 million and \$20 million in 1989. They are pledged to repayment of bonds, and it would violate existing bonds and jeopardize future bonding issues. It would take more out of highway funds and the RTF would not be restored. There are not sufficient funds, as there is in excess of \$9 million per year and the remainder of the \$20 million would go continually to the GVW fees which is intended to build and maintain roads.

LARRY TOBIASON, Montana Automobile Association of Highway Users, opposes HB 786. Salaries of all highway patrolmen come out of the earmarked highway trust account. He opposes this bill because of financial reasons.

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WAYNE BUDT, Montana Public Service Commission, Transportation Division, said they are opposed to this bill. The PSC has five people this would affect. They are limited to enforce PSC laws. See his testimony (EXHIBIT #1) for HB 786. The PSC asks that the committee do not pass HB 786. They feel the system is working well now.

PAT DRISCOLL, Chief Assistant of the Department of Justice, opposes HB 786. He sees no basis for transferring \$3 million to the Department of Justice and transferring \$23 million from the highway account. The highway service is protection of roads and safety. These goals are not compatible.

BEN HAVDAHL, Montana Motor Carriers Association, opposes with some reluctance. He thinks Rep. Sands has a very laudable idea and objective. So many purposes and so many questions are raised and considering the restraint in time, you are dealing with three or four different operations in our government that concern motorists and truckers in the state, that are pretty complicated. The effort to consolidate administration of the GVW fees and fuel reporting has been taken into consideration by the National Governors Association. To consolidate and have one-stop shopping has a lot of merit and a lot of convenience, but he is not sure if the convenience on motor carriers is worthwhile. The problem is with the PSC function in transportation. It leaves the auditing section, a very important economic section, up in the air. The whole problem would be solved if Montana would take on enforcement of all highway-related agencies under one enforcement agency. For whatever accommodation, he would like to see this put into an interim study. It will take a lot more work as it reaches a lot of operations in the state. This particular draft goes beyond the other bill. He is not fighting the idea necessarily, as it has some merit, but it has some problems. He recommends an interim study on the overall problem.

QUESTIONS FROM THE COMMITTEE

Rep. Swysgood asked why there isn't a fiscal note. Rep. Sands answered there is no fiscal cost considered. It is now funded from fees from the Highway Department. He had reflected on the fact that the PSC is funded from their own funding. The intention was that the funding would be the same. Enforcement would just be under one head.

Rep. Swysgood asked Colonel Landon, since it seemed like his Department is taking on the load, what is his view? Colonel

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Landon said the official Department of Justice position is that they opposed the bill. Rep. Swysgood said his concern was that these new duties would take the highway patrolmen away from the more important duty of safety. Colonel Landon said the highway patrolmen can now weigh trucks.

Rep. Holliday asked of Jess Munro which areas of mandate that would be lost was he referring to, that on page 11? Mr. Munro said yes.

Rep. Glaser asked how many complaints there had been. Colonel Landon said they have had two complaints--one from Billings and one from Boulder. He thinks the program is working quite well. They have had an audit from the government and they seem to be in compliance. They have been inspecting the trucks and he thinks that most of the truck drivers seem to be satisfied. There has been a problem administratively. There is an 80% match and it has been a problem to come up with the 20% match. They came up with a concept of having a short form inspection for driving licenses, log books and health, and it allows for a match of \$3 apiece and they raised it to \$4. The system is working well other than the state match.

Rep. Glaser said to Colonel Landon that he heard that the Attorney General wasn't pleased with the policy decision here. Colonel Landon said he believed that the Attorney General and his staff have been intent on carrying out the intent of the Legislature.

Rep. Sands closed saying this is nothing new as the state of North Dakota has it. In talking with people in the trucking industry, you will find that they share this view. There is no intention of transferring funds, and it is unconstitutional. The PSC has 5 people enforcing PSC laws. He wonders how effective 5 officers are. The GVW can enforce GVW laws. You could have more people in the same division, and you could stop and check for 3 different things. It is not the intention that everyone become a highway patrolman. However, over time they might be able to work their way up and become a highway patrol officer. It has worked well in other states.

EXECUTIVE ACTION

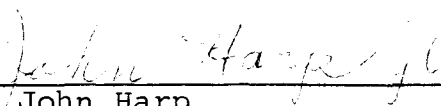
Rep. Swysgood believes HB 786 has an awful lot of problems attached to it. Rep. Clyde Smith moved to TABLE HB 786.

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The motion PASSED, with eleven members voting aye, and
Reps. Fritz, Thomas, Jones, Harper, Glaser and Mercer voting
no.

ADJOURNMENT

There being no further business to come before the committee,
the meeting adjourned at 1:30 p.m.



Rep. John Harp
Chairman

STANDING COMMITTEE REPORT

February 19 19 87

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION

report SENATE BILL 75

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. JOHN HARR

Chairman

Third

Blue

reading copy (_____)
color

STANDING COMMITTEE REPORT

February 19 19 87

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION

report SENATE BILL 76

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. JOEY HARP

Chairman

Third

Blue

reading copy (_____)
color

STANDING COMMITTEE REPORT

February 19 19 37

Mr. Speaker: We, the committee on HIGHWAYS & TRANSPORTATION

report SENATE BILL 43

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. JOHN HARP

Chairman

CLARIFY WHEN \$500 BOND IS REQUIRED FOR SPECIAL FUEL USERS

Be Amended as Follows:

1. Page 2, following line 16.

Insert: "(i) possesses special fuel in bulk storage in this state on which the tax has not been paid;"

Renumber: subsequent subsections

JH
Third reading copy (**Blue**)
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A
Feb. 11, 1977
-SB 75-
Hign...

Section 61-9-204 MCA ~~currently~~ requires that a motorcycle, motor-driven cycle, or quadracycle which has been assembled after January 1, 1956, be equipped with two tail lamps.

This requirement, which has no identifiable safety justification due to the nature of the design of these vehicles, should be eliminated.

Sections 61-9-205 and 61-9-206, which describe the reflector and stop lamp equipment required on motorcycles, motor-driven cycles, and quadracycles, address the need for only singular rear lighting equipment on these vehicles.

SB 75 would help standardize the rear lighting equipment required on this class of vehicle and at the same time maintain the equipment requirements necessary to provide public safety.

SB 76--Accident Reporting Damage Amount Increases

Sponsor: Senator Hugh Abrams

Hearing: 1300 hours; room

*File
Feb 17, 1977
SB 76 - Senator
Hugh Abrams*

The increase in property damage dollar amounts reflected in 61-7-108 and 61-7-109 by SB 76 will serve to more realistically reflect the types of damage, requiring reporting, for which the statutes were originally intended.

The increased value of vehicles and the costs associated with repairing them has far exceeded the vehicle costs existing when these statutes were enacted. Extremely minor accidents involving scratches or scrapes from objects such as hard-crusted snow banks or roadside brush currently require law enforcement notification and in many cases written reporting.

SB 76 will in effect take into consideration the impact inflation has had on the vehicle market and still require the necessary reporting of those accidents meeting moderate damage levels.

In addition, SB 76 will serve to bring Montana accident reporting laws more into line with those of many of our surrounding western states. Surrounding state reporting amounts include: Wyoming, \$500; North Dakota, \$600; and South Dakota, \$400.

*108 - 250: Immediate notification of law enforcement.
200 - 400: Non-uninsured.*

STATEMENT OF INTENT

HB Bill No. 786

A statement of intent is required for this bill because section 14 requires the department of justice to adopt rules necessary to implement the enforcement and administrative authority provided under this act.

It is the intent of the legislature that the department of justice initially enforce the administrative rules promulgated by the department of revenue, department of highways, and the public service commission to administer the gross vehicle weight laws and the motor carrier laws that are the subject of the provisions of this act. Thereafter, the department of justice may from time to time modify such rules as it considers appropriate.

111
Feb 12 1987
786 - [unclear]
[unclear]

Testimony by Wayne Budt, Administrator
Transportation Division
Public Service Commission

1. Public Service Commission (PSC) enforcement personnel are limited by statute to the enforcement of PSC rules and regulations only. By limiting their activities to only one segment of motor carrier laws, they have become quite specialized in their given field. This specialization benefits the Commission by encouraging consistent enforcement of our statutes and benefits the motor carrier industry by discouraging unnecessary delays from enforcement personnel who may not be abreast of current rule changes.
2. The PSC issues intrastate authorities to those carriers that have proven public convenience and necessity. While the Commission strives to write operating authorities as clearly as possible, operating authorities are still open to interpretation by enforcement personnel out in the field. This bill would create a situation where one agency is writing authorities and another agency is interpreting those authorities. This could lead to confusion, inconsistency, possible delay and needless expense for citations incorrectly issued to the industry.
3. Class A and B carriers are required to file tariffs with the PSC and charge only those rates specified by the tariff and approved by the Commission. PSC enforcement personnel have been trained to read those tariffs and audit the carriers' freight bills to ensure that only approved rates are being charged to the public. The ability to pull personnel from on-the-road enforcement to audit regulated carriers could be lost if they are moved to another agency and their priorities are not being set by this Commission. This would mean that PSC office personnel would have to travel greater distances and incur increased expenses to accomplish the same audit.
4. Public Service Commissioners receive complaints from the public (such as loss and damage claims) concerning possible violations by motor carriers that may not deal with on-the-road offenses. Presently the PSC has the ability to conduct these investigations with enforcement personnel in a timely and cost effective manner. Passage of this bill would remove the ability of the Commission to conduct these investigations with enforcement personnel, thus requiring office personnel to increase travel and cost to this agency.
5. The removal of PSC enforcement personnel and placing them within the Department of Justice will cost approximately \$150,000 from the general fund. Presently these employees are being funded by a tax on regulated utilities thus removing them from the general fund.

VISITORS' REGISTER

Highways + Transportation COMMITTEE

BILL NO. 20176

DATE Feb. 13, 1977

SPONSOR _____

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.