

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

March 5, 1987

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

ROLL CALL

All Committee members were present. Mary McCue, researcher was also present.

Bills to be heard were SB 300, SB 212, and SB 69.

SENATE BILL 300

Senator Dick Manning, Senate District #18, Great Falls, chief sponsor of SB 300 said it is an act revising conditions resulting in a Class C motor carrier being considered as a Class B motor carrier and amends 69-12-302, MCA. A person who has been in business in Great Falls for 30 some years, due to some of the PSC restrictions, has to put something together or he will be in real trouble. This changes the authority in his limited pickup and delivery service of property. Any carrier whose property authority is incidental to the transportation of persons is not included in this statute so that does away with the taxicabs. He is Mike Murray Delivery in Great Falls.

PROPONENTS - None

OPPONENTS - None

QUESTIONS FOR DISCUSSION FROM THE COMMITTEE

Rep. Harp asked the PSC persons present to be identified. They were Dave Burchett, head of the enforcement bureau, and Robin McHugh, staff attorney.

Rep. Swysgood asked Sen. Manning if he was wanting this Class C motor carrier to be recognized as a Class B motor carrier? Sen. Manning said it is just the reverse. He is a Class B and he now wants to be a Class C. He does have a Railroad Commission Authority (MRC) to transport goods in Montana. Rep. Swysgood asked if his classification has a financial obligation that goes along with it? Mr. Burchett advised the

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Class A and B carriers are required to file a tariff with the PSC and can charge only those rates. Class C and D are considered to be a contract carrier and their rates are negotiated between the people they contract with. He would still have to file the annual report, but he would not have to file a tariff. Rep. Swysgood remarked some carrier in this area could be taken advantage of by his being able to cut rates? Mr. Burchett said any carrier that would have the type of authority that he has would also be exempted and made a Class C as well. As a Class B carrier rates are determined by the PSC or MRC and they have to abide by those rates. Mr. Burchett said presently the statutes are set up so that anyone who has a pickup and delivery service that is tied to another common carrier is allowed to haul for them as Class C. This is opening up to allow them to haul for the general public as a Class C carrier.

Rep. Roth asked for some examples of Class B carriers? Mr. Burchett answered lumber haulers, cement haulers, taxicab companies, LTL carriers such as Motorway. A Class A carrier would be considered one that has a regular route such as a bus line. UPS is a Class B carrier and can go both intrastate and interstate. This bill limits the travel to a 50 mile radius.

Rep. Harp asked if only one carrier would be affected by this change? Mr. Burchett answered there are probably a half a dozen throughout the state on which this would have an impact. This bill was sent out in their monthly notice to all carriers on file to give them an opportunity to respond.

Mr. Burchett stated the only effect on the Great Falls delivery service would be to allow him to negotiate some rates to be able to charge correctly. It is next to impossible to put a tariff on his unique type of operation. He could haul for Garret, A&R, etc., but that would be an interline agreement with them under the Class B.

Rep. Harper asked if this bill would make the PSC's job easier or harder? Mr. Burchett advised this is coming as the result of an audit they did on this gentleman. He is providing a very valuable service in Gt. Falls and for them to structure him to charge certain rates, it would make his life a lot more difficult, and their main concern at this point is the quality of service that would be provided. This would allow him some flexibility to provide a personalized local service. Rep. Harper asked further if the language in the bill is adequate to make the PSC's job or his life easier, or is that negative? Mr. Burchett said the language is adequate, but he would have to defer to counsel as far as

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technicality was concerned. Mr. McHugh said the language is sufficient. The only question they had a concern about was the last sentence that would make it more difficult for a taxicab to come in under this exception, and it does that. Senator Manning closed saying this is a necessary bill because of some changes in the codes over the years that are making it impossible for him to operate. His business is a pick up and delivery service. It keeps him operating and he has a good business that he works hard at.

Representative Menahan will carry SB 300 on the House floor.

SENATE BILL 212

Senator Bill Farrell, Senate District 31, was the chief sponsor of SB 212. It is an act to provide for a classified commercial vehicle operator's licensing program; revising the motor vehicle laws to remove references to chauffeurs; amends many sections; repeals 61-1-312, MCA; and provides a delayed effective date. In 1985 a classified testing system for licensing operators was considered, but ran into problems over agricultural exemptions. This bill is in response to the passage of a federal requirement for a commercial vehicle operator's license which was passed by Congress in November or December of last year. They have given states until 1991 to implement a classified driver's license program. There are 20 states that do not have such a program. Connecticut has already said they will not accept drivers' licenses from states that do not have a classified system, and there are a bunch of states that are making overtures saying they will do the same thing. That means that operators of commercial vehicles or trucks will have to get a license from those states before they can operate their vehicles in them. This bill specifically exempts 16% gross vehicle weight fees.

This will set up a certification system for grandfathering existing chauffeurs' licenses wherein those persons having chauffeurs licenses prove they have experience in whatever size vehicle they are asking to be endorsed for.

Larry Majerus is to here to answer questions.

PROPONENTS

LARRY MAJERUS, Administrator of the Motor Vehicle Division, stated this is their response to the Motor Vehicle Safety Act of 1986 which had been attached to the drug bill in Congress. They have had only a short period of time to put together a response because the law starts taking effect July 1, 1987, and places some requirements on the state in terms of having

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procedures in place to guarantee a one-license and a one-record concept. That concept has been in our driver's license law since 1964, so there is no problem in that particular area. There are problems in other areas and he feels this legislature should authorize them to proceed on a classified drivers license system for commercial vehicle operators. By July 15, 1988 we are required to respond to federal highway administration rules for testing these drivers and for issuing certain licenses. They don't know what those rules are going to be, although they have an idea based on the testimony before Congress, and based on the industry comments of the Federal Highway Administration on rulemaking, but they won't know what the final rules will be until that particular time, yet are supposed to be working on a program and have it in place by that time.

By January 1989 we must be able to communicate from the point of licensing with the clearing house. Federal law requires the department of transportation to set up a clearing house of drivers so they can ascertain if somebody should be on the road or not. Some type of communication system will have to be developed so we will be able to communicate with them and not hold up a driver who needs to get on the road. By April 1, 1992, we are required to have this whole program in place. One of the reasons they are asking for authority is that Montana is on a four-year licensing cycle. Four years before April 1, 1992 is going to be April 1, 1988. They would like some program that would meet the minimum qualifications involved and address those required by the federal government by next year. That is why they are asking this bill be passed.

Montana has had the authority in the law for a long time for a classified drivers license, but it has never been implemented largely because of the cost of starting up a commercial drivers license program or a classified drivers license system. The fiscal note shows the amount of federal funds they anticipate from the Department of Transportation in terms of being able to implement the program. The state funds or state special funds that are to be charged the users or the people who will be getting these licenses provides for two classes of licenses; one of which will be charged \$12 for a four-year license and the other \$6 for a four-year license. The money is for two purposes, one is to provide money so the state can incur costs that may not be eligible for reimbursement, and then after 1992 this money would be there to carry on the program's ongoing costs. It is their hope that all of the start up costs of getting everyone into the system, developing the tests, and developing the communications network would be paid for by the federal money.

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The bill gives them rulemaking authority. They do anticipate interim rules to get the program on the way and anticipate final rulemaking authority in the Fall of 1988 which is right before the legislative session. If there is some problem with the rules they will have adopted, that is the appropriate time for the legislature to take up those rules. They have to have rulemaking authority to be flexible, and to handle all the situations which they don't really know about. Operations under emergency conditions will be handled under rulemaking authority.

Duane Tooley, Chief of Driver's Services for the Motor Vehicle Division, will be responsible for the administration and development of this program. He will explain the mechanics of the program.

They don't think the federal government is going to permit a blanket grandfathering of drivers licenses. They are hopeful of being able to develop some type of certification system so they can review the employment and driving history of an individual and grant them a type of license under that rulemaking authority, so they will be a papered grandfather or a qualified certified grandfather. It will be in place by next January.

DUANE TOOLEY, Chief of Drivers Services, said the import of SB 212 is not great in and of itself. The commercial driving license is here through a federal act. The funding that is available for this from the federal government is important to us, and it is important that we look at it to implement this bill rather than just use it later on. Our approach to this is to respond minimally to the federal act and do as little as we could until we knew exactly what the federal people want. The design they have come up with has two classes of license. Class A would be for commercial intrastate drivers who would have to meet all of the federal regulations judging from the content of their law and the intent they have behind it. It would involve a test for the driver in the type of vehicle he wished to get a license for; it would also require that he furnish a medical certificate; require a fairly complex written test; and probably a review of his driving record for the past several years. This class would be subdivided as would the other one into smaller groups, the large semitruck or triple unit, heavy trucks, and two-ton trucks, so there would be at least three sub classes.

The second major classification, Class B, would be those people who did their driving solely within the state of Montana. They see no need to have them comply completely with the federal regulations. They would have to take a test in the type of vehicle they drive. They would not have to

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furnish the medical certificate, or if they did it would be much less than is currently required. This group would be subdivided into three subclasses based on the type of vehicle being driven. A further subclass required by the federal law is the handling and hauling of hazardous materials. This would involve a written test and would be added onto whatever other classes the individual wished to have. It is a fairly complex bill, but they feel that what is needed at this point is minimal and it will get them by for the next two years.

The federal act does require several other things, but none of those are immediate in their implementation, so they will be back to talk about some of the other things the federal act requires. They will know more about them at that time because they have not seen anything other than conjectural correspondence from the feds.

ROBERT L. HELDING appeared on behalf of the Montana Motor Carriers Association. They are in support of SB 212. The enactment of legislation by Montana to implement federal commercial driver's license requirements is mandated by the Federal Commercial Vehicle Safety Act of 1986. See his testimony EXHIBIT #1 and handout EXHIBIT #2. They asked for support of HB 212.

JIM MANION, represents the Montana Automobile Association which is a AAA affiliate in Montana. See his testimony, EXHIBIT #3. AAA believes that a national truck driver licensing system would assure adequate testing of truck drivers and help put an end to the practice of a truck driver obtaining licenses in several states. For the reasons listed in his testimony, they urge adoption of SB 212.

OPPONENTS - None

QUESTIONS FOR DISCUSSION FROM THE COMMITTEE

Rep. Poif asked what happens to the people who already have chauffeurs licenses? Mr. Tooley said a person can come in at the expiration of their chauffeurs license, and obtain a classified license of the types they wish. They will be required to provide some proof of experience, at least owner-operator, self-certified, or hired drivers would bring a statement from employers. It will be a little difficult for people who have carried chauffeurs licenses for many years and have not used them in employment. Some may drop theirs and if others may wish to continue theirs, they may have to take a test that shows they know how to drive.

Rep. Swysgood stated a driving test would have to be administered for a new license. Are the local drivers license

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offices going to administer these tests, or will there be a central testing place? Will they have a tractor and trailer available? Mr. Tooley answered the mechanics of it are somewhat up in the air. Their current plans would say that the written test would be available anywhere. The local examiner would be able to handle most single units. The largest trucks will have a special examiner in some special area. They would try to schedule these around but it wouldn't be every week, and the state would not supply the vehicle for testing. The driver would be responsible for that.

Rep. Roth said he drives a silage truck occasionally. Would that come under this? Mr. Tooley said it would come under this if it were not a 16% vehicle.

Rep. Mercer stated he is all in favor of this idea, but he is concerned about what has to be done now in light of all the uncertainty. Rep. Farrell said as a board member he carries very little weight because Montana does not have a system he can talk about. They tell him they will not listen to what he says until Montana gets a classified system. It does not leave him the option as a board member to go back to the department of transportation and say this is what we do in Montana. Without a classified system, they will not even listen to you.

We are trying to leave this open so the department can implement by rule what we end up with at the federal level. Many problems have not been addressed at the federal level. He is trying to get a system in place so he can argue that we have a system in place. Rep. Mercer worried about turning over to the Motor Vehicle Division complete authority to set standards. Mr. Tooley advised there is a regular process of public hearings before rulemaking is finalized. They are unable to set rules until they know what is to be required at the federal level.

If this program is not in place, highway funds will be withheld.

Rep. Swysgood's main concern was in how these tests are to be administered. Maybe some of those drivers license examiners are not qualified to give the proper test. The department may have to hire qualified examiners who have driven tractor trailer rigs themselves. The fiscal note may not indicate the cost that may arise. Rep. Farrell advised that has something to do with federal funds up front.

Mr. Majerus said their development program is based on two things. One is what was available to them up front from the

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federal government, and the necessity of developing a program that they felt Montana could afford to maintain after the federal money was gone. That is the user fees. That is why they limited the number of personnel they were going to put on. They are authorized under the federal funds to contract for startup if they need more people to begin with. They are also authorized to provide training for their examiners so they can be trained, not only to take a test but to operate one of those trucks. This is a very important issue with the industry nationwide. They want the examiner to also know how to operate that vehicle, and they intend to do that. This program is planned for the long term.

Rep. Jones asked how would an operator go about getting a test if he drove for an outfit that wouldn't loan him their equipment? Mr. Majerus said there would be a variety of approaches to that. One is that we will see more commercial driving schools, otherwise a young person can't get into the business without some background or some educational basis. A school would provide that. In cases of an employer, an employer would have to provide a vehicle, or some other arrangement would have to be made, maybe leasing. They don't anticipate providing a vehicle at this time, but may be forced to do so. No other states that have a classified drivers system have provided vehicles. Makes it more difficult.

Rep. Stang said some people are upset with the drivers license stations no longer existing. A driver may have to drive 200 miles to take the test. How would that be done? Mr. Majerus answered if he is an existing driver, he probably will not have to take that test. The only people who will probably have to take that test will be new drivers coming into the system, or drivers who have been out of the system for a period of time. Testing will probably be done on some kind of a time or appointment basis. They recognize they can't ask an individual to make a long trip.

Rep. Stang said this could be an expensive and inconvenient program for a driver. Mr. Majerus stated they are going to make it as convenient as possible. The federal law speaks to intrastate drivers. Any county bordering another state is going to know the importance of this because a truck will not be able to cross that state line unless Montana has some kind of a classified license program. They know that system is going to include some kind of driving test. Federal rules would go against Congressional intent if any state exempted anything in that area of testing new drivers.

Rep. Harp asked about hazardous materials. Is there a federal definition that falls into this? If a person is hauling

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hazardous material with a vehicle under 26,000#, which is where these requirements kick in, does he fall under all these classifications, including Class C? Sen. Farrell answered the hazardous material question is pretty well open in the federal act. Their definition isn't any better than ours. That will have to be defined in our rules as they find out more about it. The kick in on the hazardous material is 10,001#, and if that were the case, that classification would be added to the regular drivers license. You could conceivably have a regular drivers license with a hazardous materials qualification. Rep. Harp thought 10,001# is a weird number. Are we talking a one ton or a ton and a half vehicle? Sen. Farrell said it is inbetween and is a federal number. Rep. Harp asked then basically potentially anyone hauling hazardous material in a one-ton pickup could be required to have a hazardous endorsement? Sen. Farrell agreed saying that would be an acknowledgement that they knew how to handle hazardous material. Rep. Harp said the driver would have to have a written test, a medical test, and a review of any past driving violations.

Rep. Farrell closed. He doesn't think Montana is going to like what they get out of that. We really need this system in place. Maybe it is not perfect yet, but we can at least work with it. We will never get a chance to work with the federal program. We have seen what happens when they come and say we are going to take away the money if you don't do this. He hoped to pass the bill and give Montana a chance to argue in Washington that this is how our system works.

SENATE BILL 69

Senator Bill Farrell, Senate District #31, sponsored SB 69 at the request of the Department of Justice. It is an act authorizing the Department of Justice to designate civilian employees as peace officers with limited jurisdiction; providing penalties for violations of safety standards; and amending 44-1-1005 and 61-9-512 MCA. This is an oversight from 1985 of moving the inspectors from the PSC to the Highway Patrol. The Highway Patrol is now hiring civilians under their auspices to inspect trucks. These people have no authority to issue tickets on violations. This bill gives them limited authority under sections 5 and 9, drivers violations, and equipment violations.

PROPONENTS

COLONEL BOB LANDON, Chief of the Highway Patrol, explained this bill gives limited authority to civilian inspectors so they can issue citations for expired drivers licenses, and

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for violations of the registration laws, plus the authority to do the safety work under Federal Title 49 and the truck inspection program, such as that.

OPPONENTS- None

QUESTIONS (OR DISCUSSION) FROM THE COMMITTEE

Rep. Thomas wondered if this is the authority we want to give those people who work in the little weigh stations? Col. Landon said people who work in the weigh stations are not necessarily highway patrol truck inspectors. Some of them are GVW weigh masters who weigh the trucks. This doesn't have anything to do with the highway department's GVW weigh masters. This related strictly to truck inspectors for the Highway Patrol. There is a very limited number and they don't expect the number to ever reach over 12. The current number of inspectors right now is 5.

Rep. Harp asked if any of these people can carry firearms? Col. Landon thought they are not needed. They have no plans to have them wear firearms. Most of the people hired in that capacity are retired law enforcement people, most of them highway patrol officers who get along good with the truck drivers. They don't harrass them. That is where you come up with the wisdom of the job. He sees no reason for them to carry firearms. This bill does not authorize them to carry firearms.

Rep. Roth asked if this allowed them to be deputies? Col. Landon answered that is the reason they asked for limited authority. They are not fullfledged police officers, and will not be required to go to the Law Enforcement Academy. They will be strictly civilian employees with a limited area of enforcement.

Rep. Campbell asked about proof of inspection. Do they give you a sticker? Col. Landon said Yes, that section is a carryover from the 1983 session and is in existing law. This program deals with the CBSA, the inspection program started between the states of California and Washington, whereby California had a truck inspection program and issued a sticker on every truck that was inspected every quarter. Washington, then Oregon, and then many, many other states adopted the program. Quarterly, participating states issue decals to go on the windshields of the trucks and the other states honor those inspections. It saves a lot of time for the truck drivers and helps out as far as labor of getting those inspections done. The stickers would be good for three months.

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Rep. Campbell further asked what kind of records would he have to keep on his trucks. Al Park, with the Highway Patrol Records Division, said the an intrastate carrier is required to have maintenance records for all of his vehicles at the terminal. The driver is required on an intrastate operation to have a vehicle inspection report that he completes daily. Those are the type of records required in that issue. Total maintenance records are not required to be kept on the vehicle in an intrastate operation.

Rep. Thomas asked about the fines in the bill on page 5. Col. Landon explained those are fines currently in effect. They are just brought in from a different section. Mr. Park explained this is the wording that was originally in the PSC. When the program was under the PSC this is the penalty section basically that was over there. The bill originally said we will take the authority and put it under that rule. Rather than putting and crossing wires, etc., we took that wording and put it into the section that gives them the authority under this. Wanted to keep their authority limited. This was state law. That wording comes out of 69-12, and was slid into 61. It is existing law.

Rep. Stang remarked you give these people authority to make arrests and serve warrants for arrest, but you don't give them the right to carry a handgun. He has a problem with that. These people have no power to stop people who might assault them. Col. Landon stated in the British Empire they never use firearms in connection with arrests except in the case of riots. In all his years of involvement with the weigh stations, he knows of no weigh person ever being assaulted or ever actually being required to have a firearm. He sees no problem with them not being armed. They do need the authority to issue the summons.

Rep. Campbell asked why farm vehicles are exempt. Col. Landon said it is too hard to get anything through the legislature in Montana unless you exempt agriculture!

Rep. Mercer asked why directors and officers of corporations going to be fined for something a truck driver might do? Col. Landon advised that section came from the PSCV and is existing law. That issue had quite a bit of discussion and the rationale is that sometimes it is necessary to have people responsible other than the drivers. Limited partnerships, corporations, etc. Rep. Mercer said it is a lot different to make a director responsible. He might not have anything to do with how the truck is being operated. Col. Landon said that was a good argument.

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Rep. Swysgood asked on line 20, page 5 relating to any carrier that is a corporation. Would companies be eliminated under this? Col. Landon said that is the intent.

Senator Farrell responded to Rep. Mercer. That is part of the federal requirement. They may write a logbook violation for a driver. Officers of that corporation should be responsible, and the directors of that corporation should be responsible for hours of service. Those are the people who write the contracts. If you have somebody who has been issued a drivers logbook violation, and you can go back and prove that the dispatcher of the company forced him to drive those hours or lose his job, you have to have somebody responsible. The fines are now going up to as high as \$17,000-20,000. They are really starting to hammer companies for forcing individuals to drive vehicles longer than they should.

In answer to Rep. Swysgood, Sen. Farrell said companies that are already incorporated are sole proprietorships in most cases, or partnerships and those are covered under a federal statute. It should be remembered that there are federal fines if the PSC or the Highway Patrol turns this over to the Department of Transportation if it is an intrastate operation. They are the ones who are getting really hard on all of us. They are imposing thousands of dollars of fines right now.

Senator Farrell closed saying this started out to be a simple bill to give the inspectors authority to write tickets.

ADJOURNMENT

There being no other business to come before this meeting, it was adjourned at 2:10 p.m.



REP. JOHN HARP, Chairman

DAILY ROLL CALL

HIGHWAYS & TRANSPORTATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 5, 1987

[illegible]

March 5, 1987

SB 212

Montana Motor Carriers Association is in support of SB 212.

The enactment of legislation by Montana to implement federal commercial driver's license requirements is mandated by the Federal Commercial Vehicle Safety Act of 1986.

The issuance of a single commercial vehicle driver's license to interstate and intrastate truck drivers will eliminate or heavily curb abusive practices by truck drivers whom obtain several drivers licenses in several states. Then when they are stopped for speeding and for other infractions they tender which ever license can stand the infraction. This situation makes it next to impossible for Motor Carriers to discipline drivers or for authorities to revoke or take action against abusive drivers. A few bad apples can spoil the whole barrel.....

MMCA implemented a program one year ago to inform carriers about speeding tickets issued to truck drivers by the Montana Highway Patrol. We mail a copy of the ticket to the carrier along with a letter suggesting disciplinary action. Some 4,000 tickets were mailed and some 414 carriers from all over the country and Canada responded favorably to the program and supported the effort to be continually informed about driver's speeding tickets. This response indicates that the vast majority never learn about tickets issued to drivers. They will under SB 212.

For the committee's information, I'd like to distribute a brief timetable of implementation of the Federal Commercial Motor Vehicle Safety Act of 1986.....

It reflects in point 8 on page 2 that ultimately, in 1993 all states must have implemented the requirements or face the loss of federal highway funding 5% the first year and 10% subsequent years.

Also, MMCA's publication reprinted in part in September, 1986, the story in USA Today with the cartoon of the truck driver flashing several licenses.... A copy of that story is also being circulated.

Thank you.

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SB 212
Bills
H. 1000

H 2.
H 5, 1-17
20712, 20713, 20714
20715

COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986

TIMETABLE

1. Effective July 1, 1987, no driver may possess or apply for more than one license. State laws requiring the possession of more than one license are allowed to remain in effect until December 31, 1989, but are to be repealed by that time.
2. Effective July 1, 1987 - a) driver must notify state of licensure and the motor carrier of any moving violation, license suspension, or revocation within 30 days; b) driver applicants must notify motor carriers of all commercial driving jobs for a least past 10 years; c) a motor carrier may not knowingly permit operation of commercial vehicles by an unlicensed driver or one whose license is suspended or revoked.
3. Effective October 27, 1987 - FMCSR must be amended to place driver out of service for 24 hours for violation of Section 392.5 governing use and possession of alcoholic beverages and prohibiting consumption within four hours of going on-duty.
4. Effective July 15, 1988 - DOT must establish standards and minimum scores for written examination and driving test, and medical certification requirements. Driving test must be on a vehicle "representative" of the type to be driven. Additional knowledge and testing requirements for drivers transporting Hazardous materials. (ATA Council of Safety Supervisors favors such testing only for placarded loads). All drivers must be tested, however the Secretary of Transportation is authorized to grant waivers from certain provisions of the legislation where safety will not be adversely affected.
5. Effective July 15, 1988 - DOT must establish standards for the commercial driver's license to include name and address of licensee, physical description, class of license, name of issuing state, dates license is valid, and the person's Social Security number or other identifier. (ATA supports the use of a fingerprint as the identifier).
6. Effective January 1, 1989 - DOT must enter into agreement with states for an information center of license information to include information in #5, above

for each person, plus suspension and revocation information. This is to be preceded by a study of existing state systems. Information from clearinghouse to be available to DOT, state agencies, and to employers of drivers (with notification to drivers).

7. Effective April 1, 1992 - Each commercial driver must have a commercial vehicle license issued in accordance with the standards.
8. Effective October 1, 1993 - Each state must implement a commercial driver license program or face loss of federal highway funding (5% first year, 10% subsequent years). Standards for state implementation include the following:
 - a) Implementation of the licensing requirements;
 - b) establishment of a BAC level of at least 0.10;
 - c) notify clearinghouse at least 60 days before issuing a commercial driver's license to any person, and within 30 days of issuing the license.
 - d) notify a driver's state of licensure within 10 days for a moving violation;
 - e) notify DOT (central clearinghouse) within 10 days of a disqualification;
 - f) no state may issue a license to a person whose license is suspended or revoked;
 - g) must check individual's record with the National Driver Register and consider it in connection with issuing a commercial license;
 - h) license must be issued by driver's state of legal residence.

Single License Coming?

The concept of establishing a single, classified license for commercial drivers appears to be an idea whose time has come.

Legislation to establish a national commercial drivers license was introduced in the Senate last January by Sens. John Danforth (R-MO) and Robert Packwood (R-OR). The National Transportation Safety Board subsequently issued a major study calling for a national drivers license, uniform testing standards and improved training of professional drivers, and recent hearings on the Danforth/Packwood bill were expected to attract widespread support for establishing national standards for licensing driving professionals.

A staff draft bill now being circulated by a House Public Works subcommittee on surface transportation may well become the primary vehicle for legislation implementing the single license concept for commercial drivers. The House bill leaves the actual licensing

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By David Seavey, USA TODAY

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(Single License continued)

cedure in the hands of the states, though it requires establishment of uniform federal standards. This is the approach favored by the American Trucking Associations and most other industry groups.

Not to be outdone, the Bureau of Motor Carrier Safety is reportedly preparing a proposed notice of rulemaking to determine the feasibility of a single, classified driver's license system for truck and bus drivers. A separate rulemaking proposing strengthened licensing and training criteria for hazardous materials drivers has already been issued by BMCS.

Other legislative commitments and a shortened election year session will likely prevent passage of a licensing bill this year. Chances for favorable consideration next year, however, are good. Debate will center on how to structure the system, what to include in uniform testing standards, and whether to require the re-licensing of current drivers.

The draft House bill would require the Secretary of Transportation to establish minimum federal standards for testing and ensuring the fitness of drivers operating vehicles in interstate commerce.

These standards would have to include passage of a written test and of a road test in the type of vehicle to be operated. The standards must also ensure that the applicant knows and understands pertinent federal safety and hazardous materials regulations.

The bill would prohibit commercial drivers from holding more than one license. Any traffic citations received by the driver, while on duty or when driving a personal vehicle, would go on a single driving record. An information clearinghouse would be established to act as a depository for driving record information on all holders of commercial licenses. This information would be made available to states and to employers.

Commercial drivers convicted of driving while under the influence of alcohol or drugs would be disqualified for not less than one year for a first violation. If the driver were hauling hazardous substances the initial disqualification would be for a minimum of three years. A second conviction would mean disqualification for life. Lesser violations would require disqualifications for periods of 60 days to one year.

States would be eligible for federal grant money to implement the licensing program and could become subject to loss of federal highway money if they failed to implement the program within the given period.

Front Brakes: Regulations May Forbid Removal

by Richard P. Landis

Richard P. Landis is associate administrator for motor carriers for the Federal Highway Administration. The following exclusive report on front brake usage in trucks, was written prior to the announcement of a rulemaking to formally end the practice of disabling front brakes on trucks. (See Rulemaking story on page 30.)

Do trucks without front wheel brakes stop in a shorter distance than trucks with front-wheel brakes?

Many truck drivers would answer true, though the answer is false. Sudden stopping in a truck with only rear brakes generally reduces control and increases stopping distances, especially on icy or wet roads.

A National Highway Traffic Safety Administration (NHTSA) regulation requires all trucks built since 1980 to have front brakes when they leave the factory. However, a 1952 federal rule

allows trucks drivers to remove entire front brake assemblies on the front axles of three-axle tractor units.

Nearly 30% of the 500,000 big trucks traveling in the United States do not have working front brakes. Drivers or owners deliberately remove or disconnect them, thinking this will make the truck safer and maintenance easier. This misconception dates back to the 1952 ruling.

Studies and engineering done at that time prompted this ruling, originally issued by the Interstate Commerce Commission and now on the books of the Federal Highway Administration (FHWA). The thinking then was that steerability was more important than the ability to brake.

The 1952 rule was intended to help truck drivers avoid front wheel lockup and maintain control in emergency stops. Twenty years ago this probably was sound thinking because of the relative state of heavy truck brakes. Drivers felt it was safer to disconnect front brakes to avoid front wheel lockup on slippery surfaces, which would result in loss of steering control.

Current braking technology has significantly advanced over the

(continued page 35)

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TESTIMONY OF
JIM MANION
EXECUTIVE VICE PRESIDENT
MONTANA AUTOMOBILE ASSOCIATION
BEFORE THE
HOUSE HIGHWAY COMMITTEE
CONCERNING SB 212
NATIONAL STANDARDS FOR COMMERCIAL
VEHICLE OPERATORS LICENSING PROGRAM
MARCH 5, 1987

#3
March 5, 1987
SB 212
Sen. Bill Tamm

The Montana Automobile Association, serving more than 77,000 members, appreciates this opportunity to comment on trucking safety issues, particularly our belief that national standards for truck licensing are long overdue.

Operation of combination trucks over the nation's increasingly-crowded highways is a hazardous business--especially for other highway users. Combination trucks currently have an accident fatality rate almost two and one-half times higher than passenger cars even though combination trucks predominantly use the safest roads in the world. In the last two years alone, truck-related fatalities have increased nine percent in the wake of the 1982 Surface Transportation Assistance Act mandating larger and wider trucks. Even the trucking industry admits it has to clean up its safety act.

That's why AAA strongly believes that truck driver licensing should be tightly controlled and large trucks should never be allowed to use roads for which they were not designed, regardless of the alleged economic justification.

Unfortunately, today in many states if you pass the regular motorist licensing test in your compact car, you are entitled to drive a tractor semi-trailer truck nationwide, and a tandem trailer truck in every state except Connecticut. If you do lose a license the current system ensures your opportunity to have several other licenses as well. Indeed, Interstate truckers can easily spread their traffic violations over a number of licenses, thereby assuring a "good driver"

rating regardless of the number of violations they have committed.

Unfortunately, many current state requirements are notoriously lax. In over a third of the states drivers are not required by the licensing process to demonstrate the ability to drive the type of truck they intend to operate. A report on performance tests for heavy vehicle operators made to the National Highway Traffic Safety Administration in December, 1984, notes that even in "the 46 states and jurisdictions that issue special licenses or endorsements only about half (23) require the test to be taken in a vehicle of the type for which a permit is sought and all but seven of these only require the vehicle to be 'suitable', leaving it to the driver and/or examiner to decide what type of vehicle is appropriate."

The public, however, recognizes the need for greater control of trucks. A scientific, national poll to obtain information and consumer attitudes toward truck driver licensing procedures was conducted for AAA in July, 1985. Seventy-seven percent of the respondents expressed agreement that the federal government should change licensing procedures and issue a single truck drivers' license. AAA members who were part of the survey were even more inclined to support a single national truck drivers' license; eighty-two percent of AAA members supported the concept.

The results of this poll were no surprise to AAA; the public is united in its quest for truck licensing reform.

There was a time when our membership found large trucks merely fourth on the list of major highway annoyances. Confusing highway signs, dirty restrooms, and traffic congestion were the leading complaints. But times have changed.

In every survey since 1980 by many Auto Clubs, tailgating truckers has been the number one motorist complaint.

Our members are giving us a similar message--tailgating and other unsafe maneuvers by truckers are the worst problem they face on the road today.

A national licensing system for trucks would do much to eliminate high risk drivers. Just as commercial aircraft pilots are effectively grounded when the Federal Aviation Administration suspends or revokes their pilot's licenses, so should a commercial vehicle operator be "grounded" when traffic violations are so serious or so frequent that license suspension or revocation is warranted.

Is it too much to expect the operators of combination trucks to be required to demonstrate ability to operate the equipment they are licensed to operate? We believe the driving public is entitled to such safeguards. Failure of the states to adequately provide such minimum safety standards argues for the imposition of national standards.

In summary, once established, a national commercial operators license would do five important thing:

1. ensure that drivers can competently handle the vehicles they will drive;
2. eliminate multiple licensing--that is, eliminate the practice of drivers holding more than one license, a practice which wrongly assures their continued right to drive even when they receive numerous tickets or when one of their licenses is suspended or revoked;
3. ensure that the commercial vehicle operator's license is a very valuable license that the holder will know must be protected through safe, law-abiding driving;
4. identify problem drivers so that they can be retrained or rehabilitated before their driving privileges are reinstated; and
5. professionalize the occupation of truck drivers by making the issuance of a commercial motor vehicle license a symbol of achievement.

AAA believes that a national truck driver licensing system would assure adequate testing of truck drivers and help put an end to the practice of a truck driver obtaining licenses in several states.

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