

MINUTES OF THE MEETING  
BUSINESS & INDUSTRY COMMITTEE  
MONTANA STATE SENATE  
50TH LEGISLATIVE SESSION

January 6, 1987

The first meeting of the Business and Industry Committee met on Tuesday, January 6, 1987, in Room 410 of the Capitol Building at 10 a.m. The meeting was called to order by Chairman Allen Kolstad.

ROLL CALL: All committee members were present except Senator Ted Neuman, who was excused. Senator Jack Haffey was also present.

CONSIDERATION OF SENATE BILL 5: Senator Jack Haffey, Senate District 33, Deer Lodge, is the chief sponsor of this bill which would provide refueling service for handicapped drivers at self-service prices. Senator Haffey explained that after riding to work for 14 years with a fellow who is handicapped, he felt there was indeed a need for this type bill. This fellow cannot get out and refuel his own car, so he must always pay the full-service price, unless he has someone with him who can refuel his car. Senator Haffey stated that he felt the bill provided explicit attempts to make sure that the person who is handicapped and has the handicapped decal or license plate identifying him as such doesn't work the system, and that the term "handicapped" has already been defined in previous legislation and is further defined in this bill. He stated that under the provisions of this bill, a handicapped person could not obtain this privilege if an able person was riding with him and that this service would be available only at stations which had both full-service and self-service islands. Senator Haffey stated that he would welcome any amendments if it was felt that the bill needed to be tightened up and noted that there were several persons present to speak in favor of the bill.

PROPOSERS: Edward Myers stated that he came to support the bill on the grounds that, although he is not a 100% disabled person (he can get out and get his own gas) he knows a lot of people who cannot go to a self-service station unless they have someone with them. Some of them are quadraplegics and paraplegics, or persons who simply cannot get out in the ice and snow.

Rich Brown, Administrator for the Montana Veterans Affairs Division and the immediate past Commander of the Montana Disabled American Veterans, stated that although his division has not had an opportunity to study this bill and put out a formal letter in support of it, he feels sure that the dis-

Business and Industry Committee

January 6, 1987

Page 2

abled veterans do support the bill. As far as the DAV Handicapped License Plates are concerned, the DAV License Plate that is issued to the 100% disabled American veterans, only about 300 of those 600 persons who are eligible in Montana have been issued the DAV License Plates, indicating that disabled veterans do not want to use them unless they really have to and that they do police themselves. Mr. Brown also expressed that the long winter months with ice and snow that we experience here in Montana make it particularly difficult for the handicapped to refuel their cars or to have to get out to go in to pay for their gas, especially for those who have suffered traumatic amputations of the legs. He stated that if Montana does adopt this sort of legislation, it would not be the first state to do so. Other states have led the way with allowing handicapped people this equality in gasoline prices. He had learned this from conversations with some of the disabled veterans. He stated that the disabled veterans are in favor of the bill and look forward to seeing legislation such as this passed.

Tim Hornbacher from Tim's Exxon stated that he is in favor of the bill, but feels that it is too vague in the definition of handicapped. He would like to see some kind of amendment in it so that if the bill goes through, it will get started out on the right foot, so that a truly handicapped person who needs the service will get it done and not be soured off by someone coming in with a so-called sticker for the handicapped that enables him to park in the handicapped only parking, but who is able to walk and do his shopping, yet pulls into a station and gets full service. He feels the bill is too vague.

OPPONENTS: There were none.

Questions were then called for from the committee members. Senator Williams asked Rich Brown what percentage disability a veteran has to have to get a DAV plate. Mr. Brown said that they have to be 100% disabled. He noted that there are about 8,500 disabled veterans in Montana and about 590 are 100% disabled. Of those 590 eligible, only about half buy the DAV plate. The cost is \$5 which voids all other county taxes. Senator Williams: "Do you find that abused?" Mr. Brown replied, "Not at all, Senator. It's just the opposite."

Senator Thayer asked how many would be eligible as the term handicapped is now defined by present law and further defined in this bill. Senator Haffey referred the question to Larry Majerus, of the Division of Motor Vehicles. Mr. Majerus

explained that there are two kinds of identification for the handicapped driver. One is the license plate with the wheelchair insignia on it and for those who object to that, there is the blue and white placard that is affixed to the rearview mirror of a car. There are 1873 insignia license plates which have been issued and 5108 of the blue and white placards.

Mr. Bob Williams wanted to know if the special plate was a \$5 plate, also. Mr. Majerus replied that there is no fee waived for the handicapped plate, but that there is a special fee for the permit of \$1 and it is not handled like a personalized plate but is issued by the state at the same price as a regular license plate.

Senator Mike Walker asked Mr. Hornbacher if he was concerned about perhaps some other family member driving into his station and misusing the handicapped plate or placard. Mr. Hornbacher answered that he would bend over backward to help the truly handicapped and felt his employees as well as other station attendants would do the same, but he just felt the definition of handicapped was not spelled out clearly enough. He also questioned whether or not the bill would require other services besides the refueling and a possibility of accounting nightmares. Senator Kolstad replied that the question of other services not being required was spelled out in the proposed legislation. Mr. Hornbacher stated that at his station "full service" meant other services besides just refueling.

Senator Darryl Meyer asked Mr. Majerus if there were some kind of sticker that could be affixed to this person's windshield that would be color coded or that would identify them specifically and what it would cost. Mr. Majerus explained that windshield stickers are quite expensive because of the specifications they have to meet to work well in this climate and that their use was limited then to one car.

Senator Walker commented to Senator Haffey that the bill as proposed contains penalties for service stations that do not adhere to the requirements, but no provisions for penalties for handicapped persons who misuse the privilege or others who might abuse it, and wondered if he would be receptive to something like that if it were added. Senator Haffey replied that he would be receptive to any amendment to this bill that would insure that only those who can't get out to fuel their car could make use of the benefit. He also stated that although there are quite a few persons who could benefit from this bill, one station would probably not have ten or twenty

persons per day requiring this type of service. He reiterated Senator Kolstad's explanation that the bill would not require other services, merely the refueling, and would not mean an attendant could not still give other services if he chose to do so.

Mr. Hornbacher suggested the possibility of another color coded hanging placard so that the truly disabled person, truly unable to serve himself, would be easily identified without embarrassment to the attendant or the disabled.

Senator Williams expressed that he felt the price of the sticker should not be a problem because he agreed that there are numerous persons who have handicapped plates and placards that give them the benefit of parking in handicapped parking places who are either able to do their own refueling or have drivers who can do the refueling for them.

Senator Weeding stated that it seemed to him that the question could be solved with a billfold card of some sort that the person would get to carry with them. Senator Kolstad asked how that person would get the station attendant's attention. Mr. Hornbacher noted that the person would be in the full-service island and an attendant should respond within three seconds or so.

Senator Meyer commented that a billfold card would be fine, but that it would be very easy to hand to someone else as would a hanging placard, and that he felt it would have to be some sort of sticker affixed to the vehicle someplace, and that if they had two vehicles, they would just have to purchase another sticker.

Chairman Kolstad stated that he considered this bill a good idea with good possibilities. He appointed Senator Williams and Senator Meyer to work with Senator Haffey and Mary McCue, researcher for the committee, to come up with an amendment that will make the bill work.

Chairman Kolstad asked for further questions or comments.

Senator Williams expressed to Mr. Hornbacher his appreciation of the added accounting the bill would entail for service stations, and Mr. Hornbacher replied that it would entail a great deal of accounting, but he certainly would not mind as long as he was serving the truly handicapped person who could not serve himself.

Business and Industry Committee  
January 6, 1987  
Page 5

Senator Haffey stated that after his experience of riding with his friend for 14 years, he knows that there are many who could use the benefits of this bill, but in order to allay the concerns expressed, he would be happy to work with the subcommittee appointed by Chairman Kolstad to come up with some amendments that would tighten it up. He stated that they could probably have it ready for tomorrow.

Chairman Kolstad decided that the subcommittee's findings would be reviewed at a meeting tomorrow, January 7, 1987 at 10 a.m. in Room 410. There being no further business, he adjourned the meeting at 10:30 a.m.



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SENATOR ALLEN C. KOLSTAD, CHAIRMAN

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BUSINESS AND INDUSTRY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/6/87

NAME	PRESENT	ABSENT	EXCUSED
Allen C. Kolstad, Chairman	✓		
Ted Neuman, Vice Chairman			✓
Paul Boylan	✓		
Delwyn Gage	✓		
Harry H. "Doc" McLane	✓		
Darryl Meyer	✓		
Mike Walker	✓		
Cecil Weeding	✓		
Bob Williams	✓		
Gene Thayer	✓		

Each day attach to minutes.



NAME: TIM HORNbacher DATE: 1/6/87

ADDRESS: 1721 CEDAR SENATE BUSINESS & INDUSTRY

PHONE: 442-0540 EXHIBIT NO. \_\_\_\_\_  
DATE: 1/6/87

REPRESENTING WHOM? TIMS EXXON BILL NO. SB5

APPEARING ON WHICH PROPOSAL: \_\_\_\_\_

DO YOU: SUPPORT? X AMEND? X OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.