

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By Chairman Stang, on January 31, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon, Researcher
Claudia Johnson, secretary

Announcements/Discussion: None

HEARING ON HOUSE BILL 331

Presentation and Opening Statement by Sponsor:

Rep. Harper, House District 44, opened by stating his bill addresses the registration of the car and the expiration date on the tabs do not coincide. His bill would allow the purchase of tabs at the end of the month that is shown on the tab.

Testifying Proponents and Who They Represent:

Mr. Mike Thomas
Peter Funk, Assist. Attorney General

Proponent Testimony:

Mr. Thomas stated he had the same problem. His registration was dated April, tabs were for May, and thought he had a grace period through June. Mr. Thomas was stopped by the local law enforcement, so he asked the officer why that was. The law officer told him to ask the Judge, so he asked the judge and the judge didn't know and said ask the Dept. of Justice and they didn't know except that was the way legislature had written it.

Peter Funk stated he was before the Committee to express his support for HB 331. Mr. Funk stated his office is the first to admit the license plate bill is hard to understand. Mr. Funk stated that if the renewal date were changed from the 25th of the month to the last day of the month that it would

solve the problem of people being fined before they should be expired. Mr. Funk stated he has spoken with the Registrar's Bureau about this proposal and they felt it would eliminate a lot of the problems between their office and the County Treasurer's offices.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Roth asked Mr. Funk why he wasn't allowed to buy his tabs before the expiration date. Mr. Funk stated his understanding is that when you buy your tabs you are paying for a 12 month tax, and the County Treasurer's office doesn't want to receive any paper work until that renewal month so it will not be confused with the previous month.

Rep. Bachini asked Mr. Funk why wait until the end of 1989 and start as soon as possible. Mr. Funk replied the reason the date is that way is because the Registrar's Bureau stated they have sent out several months notices already under the current law, but Mr. Funk didn't know why they would have to wait that long either.

Rep. Davis asked Mr. Funk about his constituents heading south for the winter, and the County Treasurer's office would not let them buy their tabs ahead of time even though they would be expiring while they were down south and Rep. Davis wanted to know if there was some way this problem could be handled. Mr. Funk stated he didn't know what kind of a problem that would create with the registrar's office, but wanted to talk with those offices involved and felt it was probably because of accounting procedures.

Rep. Bachini commented he could address Rep. Davis problem, Rep. Bachini stated he has spoken to the Deer Lodge office and it is being taken care of.

Rep. Roth commented that you cannot purchase your tabs until the first of the month that starts your grace period, so everyone is in violation anyway. Mr. Thomas stated it doesn't have anything to do with the expiration date because it is the anniversary date they work with.

Closing by Sponsor: Rep. Harper closed by stating he hoped the grace period stops here by the Committee doing something about it.

HEARING ON HOUSE BILL 334

Presentation and Opening Statement by Sponsor:

Rep. Connelly, House District 8, stated her bill stems from a problem they had in her county. In 1983 they established a county task force program which is funded through the \$50 fee that was added on the license last time for a reinstatement fee from the DUI fine that is received before the license is returned from previous DUI. Rep. Connelly stated this money is distributed through the Highway Safety Program. Rep. Connelly stated this bill is just changing four words "this must not be restored" meaning the license cannot be returned until the \$50.00 fine is paid, because they have returned license before the fine was paid and then never receive it.

Testifying Proponents and Who They Represent:

Peter Funk, Assist. Attorney General, Dept. of Justice

Proponent Testimony:

Mr. Funk stated his office has had numerous calls from county attorneys since the current law was adopted, that with the suspension of the revocation as a result of the failure to pay the fee, some of the attorneys are uncomfortable with prosecuting under the current language, because it isn't clear that the suspension continues until the \$50 fee is paid.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Rep. Connelly stated this bill was just a matter of clarifying it the way it was intended.

HEARING ON HOUSE BILL 394

Presentation and Opening Statement by Sponsor:

Rep. Clark, House District 31, stated his bill was at the request of the Dept. of Justice. He stated it clarifies information that may be released by the Motor Vehicles Dept. on the abstract of a driving record of a licensee. Rep. Clark stated it changes the fee structure for that process.

Testifying Proponents and Who They Represent:

Peter Funk, Assist. Attorney General

Proponent Testimony:

Mr. Funk stated he wanted to draw attention to the repealer in section 2 of HB 394. Mr. Funk distributed a handout. See Exhibit 1. Mr. Funk stated the current statute is causing some problem, and this is why they are partially proposing new legislation. Mr. Funk went on to explain some of the problems with the existing language. He stated there are 4 central problems that exist under the current statute: 1) existing statute is in a poor place in the code and should be placed in the chapter of Records and Reports of Convictions. Mr. Funk stated they want it moved out of chapter 6 and into chapter 11. 2) existing language, which states motor vehicles will provide a record to anyone. Mr. Funk stated that certification means that every record has been stamped and approved by that person and it is a cumbersome job. 3) providing registered information. The record contains a list of vehicles owned by a person. Mr. Funk stated they cannot print out the registration and the driving record at the same time from the Motor Vehicle office because of the way their system is set up. 4) The existing statute is silent as to what information can be released. Mr. Funk stated there isn't a list that shows what can or cannot be released, therefore the information you receive now gives you everything. Mr. Funk stated the bill before the Committee now does correct those four problems. Mr. Funk stated it does increase the fee for certified records to \$10.00 for anyone wanting those records, and it does raise the regular fee from \$2 to \$4. Mr. Funk stated they receive 350,000 requests a year for driving records and take in \$700,000 on the \$2 fee for request of driving records, and most of those requests are from insurance agencies. Mr. Funk stated this fee goes into the Dept. of Motor Vehicle's special account and it is being regarded as a user fee. Mr. Funk stated there is an exclusion in the bill that the following entities do not have to pay: courts, local prosecutors, state and federal agencies.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Aafedt asked Rep. Clark when this would go into effect. Rep. Clark stated the 1st of October, 1989.

Rep. Roth asked Mr. Funk if the privacy act had ever been challenged regarding this information being provided to anyone. Mr. Funk stated not to his knowledge.

Rep. Roth asked Mr. Funk if there was going to be a fee increase for a corresponding reduction in the departments budget request to accommodate this influx of money. Mr. Funk didn't think it was coordinated or proposed at this time.

Closing by Sponsor: Rep. Clark closed by stating this bill increases the fees of \$714,000 based on 357,000 driving record abstracts that were paid for in 1988 and out of that number, 150 were for certified driving records.

HEARING ON HOUSE BILL 337

Presentation and Opening Statement by Sponsor:

Rep. Stang, House District 52, opened by stating this is an act which would actually put into codes the speed limits, fee schedule for violation of the basic rule. Rep. Stang stated across the state when a MHP stops someone for basic rule and it goes before the judge, a lot of the time it is dismissed unless the car has left the road or been involved in an accident. Rep. Stang stated that surveys taken in the past on accidents have found that speed is the high factor. Rep. Stang also noted that as a supporter last session on this bill to raise it from \$5 to \$20 to make it worth their while. Rep. Stang felt that speed in excess of 80 mph is not only endangering your life, but other people's as well.

Testifying Proponents and Who They Represent:

None

Proponent Testimony:

None

Testifying Opponents and Who They Represent:

Shelly Lang, City of Helena

Opponent Testimony:

Ms. Lang stated the City of Helena, specifically the Chief of Police oppose HB 337. Their schedule of fines would apply within the city limits. Ms. Lang stated this bill would eliminate a judge's discretion when setting the fine for a speeding violation with no consideration given to the prior record. She stated this is far too restricted, e.g., a fine for exceeding the speed limit in town by 30 mph would be

\$60.00 regardless if it were in a school zone. Ms. Lang stated this bill is fine for highways, but should not apply within the cities or urban district.

Questions From Committee Members: Rep. Aafedt asked Mr. Funk if he could address basic rule. Mr. Funk stated we do not have a basic statute in the state of Montana which prohibits speeding. He stated we do have the fuel conservation and the \$5.00 ticket, but apart from that we have basic rule. He stated there is great difference of opinion as to whether the basic rule was designed to be a speeding statute. He stated according to the statute it talks in terms of driving too fast for the condition of the road at the point of operation. Mr. Funk stated that some people feel it can serve as a speeding statute, and others feel it was not originally designed to do that.

Rep. Nelson asked Rep. Clark if could address the above question that Rep. Aafedt had asked of Mr. Funk. Rep. Clark stated the wording of the basic rule statute states that driving at a speed which is greater than can safely be driven considering the condition of the road, driver, car, etc. Rep. Clark stated that what Rep. Stang has alluded to in his bill is that a lot of the officers believe anything above 80 mph is a violation of the basic rule and is a careless driving violation. Rep. Aafedt asked Rep. Clark that with the basic rule already in effect before this bill is passed, if it can be used today. Rep. Clark stated that it is but is not used uniformly. Rep. Clark said the bill provides that over 80 mph would come into a schedule the same as the night speed limit.

Rep. Nelson asked Rep. Stang if over and above the 80 mph, if over 34 mph between the \$100. discretion minimum not to exceed \$500 asked why the large gap? Rep. Stang stated that would depend on the MPH that issued the fine, if the roads were dry, etc.

Rep. Zook asked Rep. Stang if it were correct that they would have to exceed the 55 mph speed limit by 15 mph to go into the higher category, e.g., if you were doing 65 mph in a 55 mph zone you would stay in the \$5 fine?

Rep. Roth asked Rep. Stang if this applied on the interstate? Rep. Stang replied that 15 mph over the 65 mph, and would kick in on secondary roads above 55 mph.

Closing by Sponsor: Rep. Stang closed stating there were amendments drawn up that would take care of the concerns the City of Helena and Chief of Police have regarding the city limits and urban areas. Rep. Stang stated his main concern was for setting a rule for speeds over 80 mph.

EXECUTIVE SESSION

DISPOSITION OF HOUSE BILL 119

Motion: Rep. Nelson moved for a DO PASS. The motion is to increase the cost of personalized plates from \$25 to \$50.

Discussion: Rep. Harrington stated he thought this bill would cut the number of people using personalized plates.

Rep. Patterson stated that according to Rep. Quilici's bill for a new issue of license plates, every person that has a personalized now would be required when they replace their plates to pay \$50 for their new plate and wanted to amend this bill to say \$25 instead of \$50 and give 50% to county general funds.

Amendments, Discussion, and Votes: Rep. Patterson made a motion for the amendment to read \$25 instead of \$50. Rep. Clark stated he could not see in the bill where it states that the \$20 or \$50 fee would have to be paid over again after the 1st initial time and thought there would be the \$5 fee for renewal fee. Rep. Patterson stated that when he had talked to Rep. Quilici, that it would be the full amount as if purchasing new plates.

Rep. Stang asked Mr. Funk if the Committee wanted to work with Rep. Grady's bill or Rep. Quilici's bill, would it be easier to grandfather in the personalized plates that people now have so if they wished to continue with personalized plates to charge them a renewal fee instead of the new fee. Mr. Funk stated an exemption could probably be put into Rep. Quilici's bill to cover that issue.

Rep. Stang stated the intention of this bill deals with personalized plates even though there are several bill coming in that deal with license plates but not fees on personalized plates. Rep. Stang stated he wanted to offer some amendments to this bill to increase the fee to \$35.00 and renewal fee to \$10.00.

Rep. Owens asked Rep. Stang if he was going to earmark where the money goes from this charge. Rep. Stang to leave the original \$20 that goes to the state as is, and the \$15 that is over and above would go to the counties.

Rep. Westlake asked Rep. Stang if it would raise a problem changing the fee distribution. Rep. Stang stated that Rep. Patterson's amendment leaves everything the same except raise it \$5.

Rep. Davis called the question. All Committee Members voting aye with exception of Rep. Nelson, Rep. Stang, Rep. Clark and

Rep. Campbell.

Recommendation and Vote: Rep. O'Connell moved for a DO PASS on HB 119 as amended. Rep. Campbell called the question. The motion CARRIED TO DO PASS AS AMENDED. Rep. Campbell, Rep. Stang, Rep. Roth and Rep. Clark voted no.

DISPOSITION OF HOUSE BILL 158

Motion: Rep. O'Connell moved the motion for a DO PASS.

Discussion: Rep. Roth asked Jess Munro if the state was going to be responsible for providing the information service in the rest areas? Mr. Munro stated his understanding was that it would be put out for private individuals to bid on.

Amendments, Discussion, and Votes: Rep. Owens made a motion to amend the bill to authorize the Dept. of Highways to allow the installation of public telephones.

Rep. Campbell called for the question.

Rep. Owens amended his motion to strike only vending machines.

Paul Verdon stated he thought Rep. Aafedt's amendment was for local communities to give information on points of interest in their area. Mr. Verdon stated the amendments deal with the state.

The motion is to make the amendments include telephones and service signs.

All Committee Members voting aye to adopt the amendment with exception of Rep. Stang and Rep. Nelson voting no.

Recommendation and Vote: Rep. Nelson made a substitute motion to DO NOT PASS.

Rep. Roth made a motion to TABLE HB 158 as amended. The motion CARRIED to TABLE HB 158 as amended 8/7. Representatives Davis, Harrington, Stepler, Westlake, Aafedt, Owens, and Patterson voted no.

DISPOSITION OF HB 196

Motion: Rep. Campbell moved for a DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Campbell moved for a DO PASS on the amendments. Rep. Campbell called the question. The Committee Members voting aye.

Recommendation and Vote: Rep. Clark moved for a DO PASS as

amended. Rep. O'Connell called the question. The motion CARRIED to DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 212

Motion: Rep. Stepler moved for a DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Campbell called the question. The motion CARRIED to DO PASS 9/6.

DISPOSITION OF HOUSE BILL 223

Motion: Rep. Zook moved for a DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Roth moved to amend the effective date to be January 1, 1990. Rep. O'Connell called the question. All Committee Members voting for a DO PASS on amendments.

Recommendation and Vote: Rep. Roth moved for a DO PASS as amended. Rep. Roth called the question. The motion CARRIED to DO PASS AS AMENDED 12/3. Rep. O'Connell, Rep. Stepler and Rep. Clark voted no.

DISPOSITION OF HOUSE BILL 297

Motion: Rep. Campbell moved for a DO PASS.

Discussion:

Amendments, Discussion, and Votes: Rep. Stang made a motion to put the tab on the windshield instead of the license plate. Rep. Stang moved to amend the motion to include "or other prominent place". Rep. O'Connell called the question. All Committee Members voting aye for a DO PASS on amendments.

Recommendation and Vote: Rep. Roth moved for a DO PASS as amended. Rep. Roth called the question. The motion CARRIED to DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 331

Motion: Rep. Campbell moved for a DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED to DO PASS.

DISPOSITION OF HOUSE BILL 334

Motion: Rep. Roth moved for a DO PASS.

Discussion: None

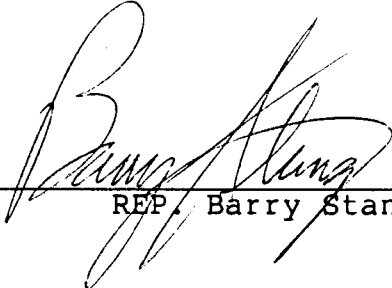
Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Roth moved for a DO PASS. Rep.
Roth called the question. The motion CARRIED to DO PASS.
Rep. Campbell and Rep. Harrington voted no.

There being no further business, the motion was made to adjourn.

ADJOURNMENT

Adjournment At: 5:00 p.m.



REP. Barry Stang, Chairman

BS/cj

2606.min

DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date January 31, 1989

NAME	PRESENT	ABSENT	EXCUSED
Chairman Stang, Barry "Spook"	✓		
Vice Chairman Linda Nelson	✓		
Rep. Bachini, Bob	✓		
Rep. Davis, Ervin	✓		
Rep. Harrington, Dan	✓		
Rep. O'Connell, Helen	✓		
Rep. Steppler, Don	✓		
Rep. Westlake, Vernon	✓		
Rep. Aafedt, Ole	✓		
Rep. Campbell, Bud	✓		
Rep. Clark, Robert	✓		
Rep. Owens, Lum	✓		
Rep. Patterson, John	✓		
Rep. Roth, Rande	✓		
Rep. Zook, Tom	✓		

STANDING COMMITTEE REPORT

February 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that HOUSE BILL 119 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 5.

Strike: "\$50"

Insert: "\$25"

2. Page 1, line 16.

Strike: "\$50"

Insert: "\$25"

STANDING COMMITTEE REPORT

February 2, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that HOUSE BILL 196 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 7.

Following: "TRAILS"

Insert: "AND REVISING THOSE REQUIREMENTS"

2. Page 1, lines 14 and 15.

Following: "city"

Strike: the remainder of line 14 and line 15 through "of"

Insert: "with"

3. Page 1, line 16.

Following: "fund"

Strike: ", reasonable amounts"

4. Page 1, line 17.

Following: "~~necessary~~"

Strike: the remainder of line 17

Insert: "may construct"

5. Page 1, line 23.

Strike: "must"

Insert: "may"

6. Page 1, line 25.

Strike: "maintain"

Insert: "construct"

7. Page 2, line 4.

Strike: "must"

Insert: "may"

8. Page 2, lines 6 and 7.

Following: "system" on line 6
Strike: the remainder of line 6 and through "system" on line 7

9. Page 2, line 8.
Following: "trails"
Strike: "are"
Insert: "may"
Following: "not"
Strike: "required to"

10. Page 2, line 16.
Following: "(3) The"
Strike: "amount expended by the"

11. Page 2, lines 17 and 18.
Following: "commission" on line 17
Strike: the remainder of line 17 and through "section" on line 18

12. Page 2, line 18.
Following: "year"
Insert: "shall let to contract"

13. Page 2, line 19.
Following: "years"
Strike: "may"
Following: "not"
Strike: "be"

14. Page 2, lines 20 through 24.
Strike: lines 20 through 23 in their entirety and through "years"
on line 24
Insert: "an average of \$200,000 per year for footpaths and
bicycle trails"

STANDING COMMITTEE REPORT

February 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation
report that HOUSE BILL 212 (first reading copy -- white) do
pass .

Signed: _____
Barry Stang, Chairman

STANDING COMMITTEE REPORT

February 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that HOUSE BILL 223 (first reading copy -- white) do pass as amended .

Signed: _____
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 6.

Strike: "IMMEDIATE"

2. Page 3, line 3.

Strike: "on passage and approval"

Insert: "January 1, 1990"

STANDING COMMITTEE REPORT

February 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that HOUSE BILL 297 (first reading copy -- white) do pass as amended .

Signed: _____
Berry Stang, Chairman

And, that such amendments read:

1. Page 4, lines 23 and 24.

Following: "to the" on line 23

Strike: the remainder of line 23 and through "number" on line 24

Insert: "windshield of the collector's item motor vehicle or, if no windshield exists, to another prominent and visible position on the vehicle"

STANDING COMMITTEE REPORT

February 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation
report that HOUSE BILL 331 (first reading copy -- white) do
pass .

Signed: _____
Barry Stang, Chairman

STANDING COMMITTEE REPORT

February 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that HOUSE BILL 334 (first reading copy -- white) do pass.

Signed: _____
Barry Stang, Chairman

HB 331
1/31/89

WITNESS STATEMENT

NAME MICHAEL THOMAS BUDGET _____

ADDRESS 1803 JEROME PL, HELENA, MT

WHOM DO YOU REPRESENT? SELF

SUPPORT 331 OPPOSE _____ AMEND _____

COMMENTS: LICENCE PLATE STICKER SHOULD

COINCIDE WITH EXPIRATION DATE

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISIT
Highways

BILL NO.

DATE _____

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

Highways and Transportation

COMMITTEE

DATE January 31, 1989 BILL NO. HB 158

NUMBER

NAME	AYE	NAY
Rep. Bachini, Bob	✓	
Rep. Davis, Ervin		✓
Rep. Harrington, Dan		✓
Rep. O'Connell, Helen	✓	
Rep. Steppler, Don		✓
Rep. Westlake, Vernon		✓
Rep. Aafedt, Ole		✓
Rep. Campbell, Bud	✓	
Rep. Clark, Robert	✓	
Rep. Owens, Lum		✓
Rep. Patterson, John		✓
Rep. Roth, Rande	✓	
Rep. Zook, Tom	✓	
Chairman Stang, Barry "Spook"	✓	
Vice Chairman Linda Nelson	✓	

TALLY

Clarence Johnson
Secretary

Barry Stang
Chairman

8

7

MOTION: to table HB 158 as amended.

Rep. Roth moved
to TABLE HB 158 the motion carried 8/7

ROLL CALL VOTE

Highways and Transportation

COMMITTEE

DATE January 31, 1989

BILL NO. HB 212

NUMBER

NAME	AYE	NAY
Rep. Bachini, Bob		✓
Rep. Davis, Ervin	✓	
Rep. Harrington, Dan	✓	
Rep. O'Connell, Helen	✓	
Rep. Stepler, Don	✓	
Rep. Westlake, Vernon		✓
Rep. Aafedt, Ole		✓
Rep. Campbell, Bud	✓	
Rep. Clark, Robert	✓	
Rep. Owens, Lum		✓
Rep. Patterson, John		✓
Rep. Roth, Rande		✓
Rep. Zook, Tom	✓	
Chairman Stang, Barry "Spook"	✓	
Vice Chairman Linda Nelson	✓	

TALLY

Claudia Johnson
Secretary

Barry Stang
Chairman

9

6

MOTION: for a DO PASS

Rep. Stepler Moved

to DO PASS 9/10

ROLL CALL VOTE

Highways and Transportation COMMITTEE

DATE January 31, 1988 BILL NO. HB 223 NUMBER

NAME	AYE	NAY
Rep. Bachini, Bob	✓	
Rep. Davis, Ervin	✓	
Rep. Harrington, Dan	✓	
Rep. O'Connell, Helen		✓
Rep. Stepler, Don		✓
Rep. Westlake, Vernon	✓	
Rep. Aafedt, Ole	✓	
Rep. Campbell, Bud	✓	
Rep. Clark, Robert		✓
Rep. Owens, Lum	✓	
Rep. Patterson, John	✓	
Rep. Roth, Rande	✓	
Rep. Zook, Tom	✓	
Chairman Stang, Barry "Spook"	✓	
Vice Chairman Linda Nelson	✓	

TALLY

Laurie Johnson
Secretary

Barry Stang
Chairman

12

3

MOTION: for DO PASS

Rep Zook Move to Do Pass

CARRIED 12/3