

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By Chairman Stang, on February 28, 1989, at 3:00 p.m.

#### ROLL CALL

Members Present: All members were present with the exception of:

Members Excused: Rep. Dan Harrington and Rep. Robert Clark

Members Absent: None

Staff Present: Paul Verdon, Researcher  
Claudia Johnson, secretary

Announcements/Discussion: None

#### HEARING ON HOUSE BILL 712

Presentation and Opening Statement by Sponsor: Rep. Wallin, House District 78, stated this bill is to standardize title fees for motor vehicles and to increase revenue for the operation of the Dept. of Justice's program. This bill will set fees for trucks, trailers, boats and snowmobiles at \$5.00 each. Rep. Wallin stated the current fees for trucks, cars and trailers are \$4.00. Current fees for snowmobiles is \$3.00 and \$6.00 for boats. Rep. Wallin stated the reason for this change is for county treasurers, and to reduce the number of errors that occur in typing process. He stated that currently 15% of the new title applications submitted contain errors. Rep. Wallin stated the change will increase revenue by \$210,000 per year which will be split 50-50 between the counties and motor vehicles division of the Dept. of Justice. The registration fee will generate approximately 1.7 million dollars annually and will be placed in the Motor Vehicle account. Then, it will be allocated to the general fund on passage of HB 744.

#### Testifying Proponents and Who They Represent:

Bob Robinson, Motor Vehicle Division

#### Proponent Testimony:

Mr. Robinson stated this bill was proposed after the county treasurers tried to resolve the number of problems that the registrars office deal with on the volume bearers. The county treasurers office feels if this was under one set fee

it would help solve their typo errors. Mr. Robinson stated the total revenue increase for the Dept. of Justice and Motor Vehicle Dept. would be 1.77 million. Mr. Racicot, attorney general, didn't think they should be tied to earmarked revenue account, eliminate it and put the money in the general fund and let the Dept. of Justice compete on equal basis with other departments. Mr. Robinson stated this fee was arrived upon by discussions with the Appropriation Subcommittee asking him that with all the demands from the Motor Vehicle Division, to crime labs, MHP, etc. what will be their source of revenue for these departments. Mr. Robinson stated this bill is the answer for that. See Exhibit 1.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Westlake asked Mr. Robinson why not make it \$4.00 instead of \$5.00 and what is the reason. Mr. Robinson replied that it is primarily for additional revenue requirements that the Appropriation Committee stated if they want those services what is the source you could provide and with the Motor Vehicle account as the only source they would have as a department this revenue would go into that.

Rep. Patterson asked Mr. Robinson if there were problems with people collecting fees, you can go in with a snowmobile and it would be the same fee with a car? Mr. Robinson stated that the first part of the fee is for the title, it doesn't matter the make. There are 15% errors and there is 350,000 of these fees per year.

Rep. Owens asked Mr. Robinson what he means by standardizing this by going to \$5, is Section 8 explaining this, or is this what it used to be? Mr. Robinson stated that the addition fee is \$3, that is the registration fee for all cars and light trucks.

Closing by Sponsor: Rep. Wallin closed stating that Cort Harrington, County Clerk's Assoc., wanted to go on record in support of HB 712. Rep. Wallin stated this revenue goes to maintain the dept. and helps the general fund.

HEARING ON SENATE BILL 57

Presentation and Opening Statement by Sponsor: Senator Jenkins, SD 7, stated he introduced this bill on behalf of the custom combiners in order to clarify the law regulating their

operation in Montana. He stated this bill will move custom combine provisions from title 15 to the other GVW laws in Chapter 10, Title 61. The bill changes the fee to a special permit fee to make enforcement of the law the same as enforcement of other GVW laws. The fee remains the same and includes over length because of equipment being used has become larger and longer. Sen. Jenkins stated the fee has traditionally allowed custom combiners to operate without other special permits. Sen. Jenkins stated the operator may choose to operate under other Montana laws in order to avoid the need for this permit. Custom Combiners will not be allowed to operate as a commercial hauler between elevators under this special permit. Sen. Jenkins stated the overweight violations will be calculated from the legal weight not the tolerance. On page 3 of SB 57, subsection 4 allows 20% tolerance for combine trailers, and this bill had a sunset to allow the operators to buy new trailers or build them up to specs. Sen. Jenkins stated this will also allow rulemaking authority for the Dept. of Highways to implement this permit. If combine operators do not comply with the conditions of the special permit, they will be subject to confiscation of the permit and possible misdemeanor penalties for excess size and weight.

Testifying Proponents and Who They Represent:

None

Proponent Testimony:

None

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Roth asked Mr. Munro if this would reduce revenue. Mr. Munro stated this bill handles problems the dept. has had in the past. Mr. Munro stated they only buy one permit now and they're covered for what they need to operate in the state of Montana. Mr. Munro stated what this bill mostly addresses is the custom trailer itself. Mr. Munro commented that the custom combine operators usually have single axle trailers, and the dept. is trying to get them to go with double axle to get them up to speed and that is also why the sunset is on this.

Rep. Stang asked Mr. Munro why the 20% tolerance for custom combiners and not for the rest of the industries that are 5%. Mr. Munro stated that legislature did that for agricultural products. Mr. Munro stated that the 20% is

current law and 7% for livestock and 5% general.

Rep. Zook asked Mr. Munro what the charge is for Montana custom combiners out of state. Mr. Munro stated they had done a survey when putting this bill together and found that Montana is at the high end. He stated that Montana is charging more for them to come into our state than what Montana is charged going out of state.

Closing by Sponsor: Sen. Jenkins stated if this bill is killed it is still a law for the agricultural people. Sen. Jenkins stated the law keeps the operators in a 50 mile radius of the harvest field and they have to comply with the 40 mph speed limit so the equipment doesn't tear up the roads.

#### HEARING ON SENATE BILL 72

Presentation and Opening Statement by Sponsor: Senator Meyer, SD 17, stated this bill is an act for increasing the maximum of a semi length and allowing a special permit. Senator Meyer commented that Jess Munro from the Dept. of Highways would explain this bill and what it does.

#### Testifying Proponents and Who They Represent:

Jess Munro, Assistant Director Department of Highways  
Ben Havdahl, Montana Motor Carrier Association

#### Proponent Testimony:

Mr. Munro stated the dept. requested this bill. Mr. Munro stated that the Surface Transportation Act of 1982 changed a lot of restrictions and placed the state in jeopardy of being in violation of those restrictions. The old law had been written originally to state that a semi truck trailer could not be in excess of 48 feet operating in the state. Mr. Munro stated at the time the law was written there were trailers 53 feet in operation. The STAA states it cannot be restricted to not less than what was operating in the state at the time. Mr. Munro stated that when the Service Transportation Act was passed in 1982 the federal government was to promulgate rules and the Dept. would also make similar rules, and the federal government in the last 6 to 8 months has finally come up with these rules. Mr. Munro stated what the federal government came up with was to allow for boat transporters, automobile transporters that are referred to as stinger steered. Stinger steered means that behind the rear axle of the truck instead of having a fifth wheel up on the back to hook up trailers, you come up behind the back axle that drops down and sits down behind that back axle which steers the trailer for better cornering and better stability. On page 2, line 22 of SB 72, Mr. Munro stated the state was in violation of the STAA in regards to triple saddle mounts. Mr. Munro stated that is where you

have a truck on the ground and stack one, two or three behind to deliver the truck tractors to the dealership with. Mr. Munro stated the state was in violation with that because the dept. was only allowing two, and using the duel saddle mount, and the STAA said they have to allow triple saddle mounts. Mr. Munro stated this bill is a "housekeeping" bill to get back in line with what the Federal Government has mandated and will also protect the highway money because of failure of the state to comply with the STAA puts the state in federal violation and the highway money can be withheld.

Mr. Havdahl stated he wanted to go on record in support of SB 72. Mr. Havdahl distributed a handout of a reprint of an official federal register. Mr. Havdahl stated the highway administration has set grandfathered statutory length limit for semi trailers in the state. See Exhibit 2. Mr. Havdahl stated this is statutory allowable as opposed to special permits. Under statutory allowable a trucker can register a 53 feet trailer and pay the GVW fee and does not have to have a permit. Under the current law of 48 feet, in order for a semi truck to pull 53 feet they would have to buy the special overall over length permit.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Campbell asked Mr. Munro if house trailers were under this bill? Mr. Munro stated they are not.

Rep. Stang asked Mr. Munro what was the maximum of anything in the bill? Mr. Munro stated the statutory length in Montana is 75 feet for everything except what is outlined by a truck tractor semi trailer which has a 53 foot semi trailer length but not an overall length that is mandatory by the federal government. Mr. Munro stated a truck driver could put a 100 foot truck on with a 53 foot trailer and would not be illegal.

Closing by Sponsor: Senator Meyer stated that Mr. Munro has explained everything and stated this was something the state would have to comply with to be in order by the federal government and urged the Committee to support SB 72.

HEARING ON SENATE BILL 123

Presentation and Opening Statement by Sponsor: Senator Beck, Senate District 24, opened by stating his bill would allow

Motor Vehicle Dept. to recall canceled titles to correct serious errors. He stated the most serious is not perfecting a lien on a title. Senator Beck stated in 1988, the dept. was notified of 18 title transactions on which a lien should have been filed, instead, clear titles were issued. The titles were recalled, 10 titles were returned to the dept. to have the lien properly perfected, the remaining 8 titles have imperfect liens totaling \$35,448 which is a potential liability to the state of Montana. In addition, there are 4 titles that were recalled in 1987 that have not been returned for corrections, and their total is \$99,000. Sen. Beck stated that with the title not being corrected, the owner could sell the vehicle and not pay off the debt or the owner could file bankruptcy, and the lending agency would lose their security interest in that vehicle and in turn that agency files a claim against the state for the unpaid balance of the debt. Senator Beck stated the agency should be able to cancel those titles, if after notifying the owner and the title is not returned, then a penalty assessed on them and this would take some of the liability away from the state of Montana.

Testifying Proponents and Who They Represent:

Bob Robinson, Motor Vehicle Division

Proponent Testimony:

Mr. Robinson stated the Registrar's Bureau is part of their division, and stated they issue around 315,000 new titles or changes annually. Mr. Robinson stated that with a clear title, there isn't anyway to let prospective buyers in the future know that money is owed on that vehicle. Mr. Robinson stated this bill allows the dept. to notify the owner and cancel the title and issue a new title with the new lien filing on it.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Roth asked Mr. Funk what would be the procedure for a penalty if the owner didn't return the title that was in error? Mr. Funk stated the individual would be cited into a justice court and a regular court proceeding held. Mr. Funk stated it is not a penalty assessment that would be leveled by the Justice Dept.

Rep. Aafedt asked Mr. Funk if the title and lien were not coordinated by a car dealer and the title clerk sends the lien without filing, does the same act apply. Mr. Funk

stated this bill only relates to titles issued with a error caused by the dept. Mr. Funk stated if a title clerk sent the title without a notice of a lien and the dept. did issue a clear title and later the notice lien comes in, he stated if that happened the lender secured by that lien would be told he would have to solve that problem.

Rep. Campbell asked Mr. Funk where the \$500 fine would go. Mr. Funk stated it would be treated as a misdemeanor fine and distributed to the counties, etc.

Closing by Sponsor: Sen. Beck closed stating the Bureau Chief of Registered Motor Vehicles is in strong favor of this bill, because it does take a lot of the liability away from them.

EXECUTIVE ACTION:

DISPOSITION OF SENATE BILL 72

Motion: Rep. Campbell moved SB 72 to be CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. O'Connell called the question.  
All Committee Members voting unanimously to be CONCURRED IN.

DISPOSITION OF SENATE BILL 123

Motion: Rep. Campbell moved SB 123 to be CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Roth called the question. All  
Committee Members voting unanimously to be CONCURRED IN.

DISPOSITION OF SB 57

Motion: Rep. Westlake moved for SB 57 to be CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Roth called the question. All  
Committee Members voting unanimously to be CONCURRED IN with  
exception of Rep. Stang voting no.

HOUSE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

February 28, 1989

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Adjournment At: 4:00 p.m.

  
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REP. Barry Stang, Chairman

BS/cj

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DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date

Feb 28

| 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                | ✓       |        |         |
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STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that SENATE BILL 72 (blue reference copy) be concurred in .

Signed: \_\_\_\_\_  
Barry Stang, Chairman

[REP. CAMPBELL WILL CARRY THIS MEASURE ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that SENATE BILL 123 (blue reference copy) be  
concurred in.

Signed: \_\_\_\_\_  
Barry Stang, Chairman

[REP. CAMPBELL WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that SENATE BILL 57 (blue reference copy) be concurred  
in .

Signed: \_\_\_\_\_  
Barry Stang, Chairman

[REP. WESTLAKE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

HB 712

EXHIBIT 1  
DATE 2-28  
HB 712

HB 712 is an act designed to simplify and standardize title fees for motorized vehicles as well as increase revenues for the operation of the Justice Department programs. This bill will set title fees for passenger cars, trucks, trailers, boats and snowmobiles at \$5.00. The current fee is \$4.00 for trucks, cars and trailers, \$3.00 for snowmobiles and \$6.00 for boats. The reason for this change is to simplify the titling process for county treasurers and reduce the number of errors occurring in the titling process.

At present, approximately 15% of the new title applications originally submitted contain errors, a good share of those errors relate to improper fees being applied. Errors result in delays to the public, in title processing and return, considerable postage expense resolving problems as well as being frustrating to the public.

Motor vehicle registration fees are also standardized at \$5.00.

The title fee changes will increase revenue approximately \$210,000 per year which is split 50/50 between the counties and the Motor Vehicle Special Revenue Account. The registration fee increase will generate approximately \$1.7 million annually and will also be placed in the motor vehicle account.

This money will soon be allocated to the General Fund upon passage of HB 744.

## News from the American Trucking Association

### Bill Banning Polygraphs Passes Senate

On March 3, the U.S. Senate voted 69-27 to approve S.1904, the Polygraph Protection Act. The Kennedy-Hatch bill prohibits the least accurate yet more widely used lie detector tests (i.e., polygraph, deception graph, voice stress analyzer, psychological stress evaluator) for preemployment and random examinations. It also provides standards and safeguards from abuse during tests that are not prohibited. S.1904 does allow the use of polygraph examinations conducted by an employer in connection with an ongoing investigation of theft or injury.

Civil penalties range from \$100 for each day of violation of the notice of protection to \$10,000 for the violation of any other section.

Last November, the House passed H.R.1212, the Employee Polygraph Protection Act, by a vote of 254-158. This measure also prohibits the use of polygraphs by private employers engaged in interstate commerce. Two limited exemptions were granted, one to the pharmaceuticals industry, and the other to the security services industry allowing them to test an employee when there is a reasonable suspicion of crime.

Both bills will now go to a House/Senate Conference to reconcile their differences. President Reagan has threatened to veto any measure banning the use of lie detectors. A two-thirds majority of each house is necessary to override a presidential veto.

A note of interest. A number of industries, including banking, retailing and convenience stores supported the Senate version after opposing the House version.

### FHWA Sets Grandfathered Trailer Lengths

The Federal Highway Administration (FHWA) has published its final rule covering permissible semi-trailer lengths that may be used over the national highway network without special state permits. The national network of highways consists of the interstate highway system and certain other major designated highways.

The Surface Transportation Assistance Act of 1982 specified that "no state shall establish, maintain or enforce any regulation of commerce which has the effect of prohibiting the use of trailers or semi-trailers of such dimensions as those that were in actual and lawful use in such state as of December 1, 1982."

Previously, FHWA had approved

grandfathered semi-trailer lengths for 23 states on June 5, 1984, but the remaining 27 states remained in doubt until the new rule was published.

These grandfathered semi-trailer lengths apply only to the interstate system and designated highways. The approved grandfathered lengths are:

| State         | Feet & Inches | State        | Feet & Inches |
|---------------|---------------|--------------|---------------|
| Alabama       | 53-6          | Alaska       | 48-0          |
| Arizona       | 57-6          | Arkansas     | 53-6          |
| California    | 48-0          | Colorado     | 57-4          |
| Connecticut   | 48-0          | Delaware     | 53-0          |
| D.C.          | 48-0          | Louisiana    | 59-6          |
| Maine         | 48-0          | Maryland     | 48-0          |
| Massachusetts | 48-0          | Michigan     | 48-0          |
| Mississippi   | 53-0          | Missouri     | 53-0          |
| Montana       | 53-0          | Ohio         | 53-0          |
| Oklahoma      | 59-6          | Oregon       | 53-0          |
| Pennsylvania  | 53-0          | Rhode Island | 48-6          |
| S. Carolina   | 48-0          | S. Dakota    | 53-0          |
| Tennessee     | 50-0          | Florida      | 48-0          |
| Georgia       | 48-0          | Hawaii       | 48-0          |
| Idaho         | 48-0          | Illinois     | 53-0          |
| Indiana       | 48-6          | Iowa         | 53-0          |
| Kansas        | 57-6          | Kentucky     | 53-0          |
| Nebraska      | 53-0          | Nevada       | 53-0          |
| N. Hampshire  | 48-0          | N. Jersey    | 48-0          |
| N. Mexico     | 57-6          | New York     | 48-0          |
| N. Carolina   | 48-0          | N. Dakota    | 53-0          |
| Texas         | 59-0          | Utah         | 48-0          |
| Vermont       | 48-0          | Virginia     | 48-0          |
| Washington    | 48-0          | W. Virginia  | 48-0          |
| Wisconsin     | 48-0          | Wyoming      | 57-4          |

In California, Indiana and Wisconsin, semi-trailers up to 53 feet may also operate without a permit by conform-

ing to a kingpin-to-rear-most axle distance of 38', 40'6" and 41' in those states respectively.

### FHWA Proposes Grandfather Lengths for Twin-Trailers

On the same day the Federal Highway Administration (FHWA) announced its grandfathered semi-trailer lengths, it also asked for comments on proposed grandfather lengths for certain B-train, twin-trailer combinations.

The proposal would provide that no state may impose a length limitation of less than 28 feet on any semi-trailer operating in a truck-tractor/semi-trailer/semi-trailer combination. Additionally, no state would be permitted to impose an overall length limitation on a truck-tractor/semi-trailer/semi-trailer combination when each semi-trailer is 28 feet long. All truck-tractor/semi-trailer/semi-trailer combinations exceeding these standards that were permitted to operate prior to December 1, 1982, are grandfathered and continued operation must be permitted.

These grandfathered operations apply only to the interstate highway system and designated highways.

### California Approves Diesel Fuel Replacement

The South Coast Air Quality Management District (SCAQMD) of Southern California (continued page 21)

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## VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE \_\_\_\_\_

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Highways

BILL NO.

57

DATE \_\_\_\_\_

Feb 28

SPONSOR

SPONSOR Sen Jenkins

NAME (please print)

~~RESIDENCE~~

Representing

SUPPORT

OPPOSE

Jesse Munro

MDOH

Dave Galt

MDOH

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



Highways

BILL NO.

DATE \_\_\_\_\_

SPONSOR

CS-33

VISITORS' Highways

Feb. 28

BILL NO. 123

DATE Feb. 28

SPONSOR Sen Beck

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.