

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By Chairman Stang, on March 2, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Harrington and Rep. Clark

Members Absent: None

Staff Present: Paul Verdon, Researcher
Claudia Johnson, secretary

Announcements/Discussion: None

HEARING ON SENATE BILL 216

Presentation and Opening Statement by Sponsor:

Senator Manning, Senate District 18, stated this bill is meant to clear up a lot of problems that were created by a federal mandate declaring that people driving certain types of vehicles must have certain types of license. Senator Manning stated this bill takes out the vehicles operated in the state of Montana. Senator Manning read a report from the National Volunteer Fire Council which states "to grant waivers to firefighters from provisions of the Commercial Motor Vehicle Safety Act of 1986 marks an important victory for volunteer fire departments, according to E. James Monihan, chairman of the National Volunteer Fire Council (NVFC)". See Exhibit 1. Rep. Manning stated that the FHWA decided that it is not contrary to the public interest to grant waivers to firefighters and certain farmers who the federal commercial drivers license regulation affects, and to allow the states the option to exclude these groups in state implementation of federal regulations.

Testifying Proponents and Who They Represent:

Lyle Naegle, Mt. St. Vol. Firefighters Assoc.
Henry Lohr, Mt. St. Vol. Firefighters Assoc.

Proponent Testimony:

Mr. Naegle stated this bill came into effect from a convention last summer. Mr. Naegle stated that rather than doing

anything with the drivers license, that they would ask the legislature that firefighting vehicles be exempt from commercial status. Mr. Naegle stated that these firefighting vehicles must bear a tax exempt plate, so the contract fighters and commercial fighters, especially those that come into the state to fight fires, are not exempt from the commercial status.

Henry Lohr wanted to go on record in support of SB 216.

Ed Flees, Mt. State Council Professional Firefighters, stated he and the professional firefighters in the state of Montana support this bill.

Duane Tooley, Chief of Drivers Services Bureau, stated this bill provides that Montana law be the same as federal regulation, and does not see a problem with this bill and urged for a do pass.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Sen. Manning closed stating Rep. Jerry Nisbet would be carrying this bill on the floor of the House of Representatives.

HEARING ON SENATE BILL 221

Presentation and Opening Statement by Sponsor:

Senator Tveit, Senate District 11, stated the Highways Dept. asked him to present this bill before the Committee to impose a speed limit of 35 miles per hour on a highway that is being surveyed. Sen. Tveit stated all this bill does is add statutes so a MHP can issue a ticket to those speeders where a survey is being done. Sen. Tveit thought this was a good safety bill.

Testifying Proponents and Who They Represent:

Beate Galda, Dept. of Highways
H.S. Hansen, represents the land surveyors

Proponent Testimony:

Ms. Galda stated this bill gives survey crews the same protection that is now offered to construction and maintenance crews.

Ms. Galda stated at the present the crews put up a 35 mph sign, but it is only for advisory purposes, and the MHP doesn't have authority to issue tickets if the sign is not obeyed. Ms. Galda stated the main change will be the orange and black signs will be white and black.

H.S. Hansen stated they support this bill for obvious reasons.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Bachini asked Sen. Tveit if there is an effective date for this bill. Sen. Tveit stated it is effective October 1, 1989.

Rep. Roth asked Ms. Galda about the perimeters of these signs, would it encompass the whole highway or just that area? Ms. Galda stated she had broadened the bill because of construction crews and signs are usually not more than a mile from the work area.

Closing by Sponsor: Sen. Tveit closed stating he felt this was a safety bill and is needed so the survey crews are protected. Sen. Tveit urged the Committee for their support.

HEARING ON SENATE BILL 98

Presentation and Opening Statement by Sponsor:

Senator Akelstad, Senate District 6, opened stating the county treasurer's wanted him to carry SB 98. Sen. Akelstad stated that under existing statutes, county treasurers have to issue a sticker for a mobile home every year when taxes are paid. Sen. Akelstad stated it is a cost to the county because it is so time consuming. Sen. Akelstad said the county treasurer's office wants the issuance of this sticker only at the time the mobile home is being moved from one location to another, and the taxes would stay the same.

Testifying Proponents and Who They Represent:

Cort Harrington, Mt. County Treasurers Assoc.

Proponent Testimony:

Mr. Harrington stated that Sen. Akelstad summarized the purpose

of the bill, but did want to repeat that the stickers the county treasurers currently give to the mobile home owners do not serve the purpose they were intended for. The purpose of the current bill was to have the sticker in the window so the tax assessor could walk up and down the mobile home park and decide whose taxes were paid or not. Mr. Harrington stated they do not do that anymore. Mr. Harrington stated there is another bill in the house, HB 12 that eliminates tax bill stickers altogether.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Sen. Akelstad closed stating the bill is self explanatory and will allow the county treasurers to implement a new process.

HEARING ON SENATE BILL 148

Presentation and Opening Statement by Sponsor:

Senator Halligan, Senate District 29, opened by stating this bill is to allow in lieu of bail for an individual to surrender his/her driver's license when stopped for a violation and do not have the money to post bail. Instead of being arrested and taken in because of no money they can surrender the driver's license to the officer who would state on back of the ticket (pink copy) that when the individual appears in court he/she would have the license returned. This is an attempt to reduce the citations instead of arrest warrants. Sen. Halligan stated that in states where this is being done the people are more likely to show up in court so they can get the driver's license back. Sen. Halligan stated if the individual fails to appear, then the driver's license will be sent to back to the Dept. of Justice.

Testifying Proponents and Who They Represent:

Don Siweck, Deputy Sheriff of Missoula
Peter Funk, Assist. Attorney General
Greg Hanson, Mt. Sheriff and Peace Officers Assoc.
Wally Jewell, Mt. Magistrates Assoc. Justice of the Peace
and the City and Municipal Judge Assoc. of Montana

Proponent Testimony:

Mr. Siweck stated this bill was adopted from the Illinois statutes where he had worked as an officer for 20 years. Mr. Siweck stated he has seen this bill work, it cleans up a lot of traffic citations on the street where the individual is given the opportunity to post his driver's license and the driver's license is attached to the citation, the officer attests on the citation that the license is valid at the time of the stop and is being held in lieu of their appearance in court. Mr. Siweck stated the individual that is stopped has 3 options: 1) Bond at the time of stop; 2) incarceration of the violator; or 3) releasing him on his own recognizance. Mr. Siweck stated that most officers will release the violator on his/her own recognizance, but the one thing a violator will have under that circumstance would be a threat of a warrant for his/her arrest if they do not show up for their hearing.

Mr. Funk stated his dept. is in support of this bill. Mr. Funk stated they do have a couple of suggestions to add to the bill: 1) If the individual misses his/her court appearance the license is sent to the Dept. of Justice to be suspended until they appear. Mr. Funk stated an option for the Committee to consider would be to make it a mandatory suspension period, e.g., 30 days, 60 days, etc., and felt the dept. would get into a large record keeping problem if the suspension only last until the person actually appears into court. 2) Mr. Funk stated the Dept. of Justice does not have authority to suspend any driver's license except a Montana driver's license. Mr. Funk stated that in the bill it states a person's driver's license and wanted to insert in the bill every place where it states "a person's driver's license" to specify Montana driver's license. Mr. Funk stated the only authority the dept. has with out of state driver's license is to suspend their privilege to drive in the state of Montana but cannot seize an out of state license.

Mr. Hanson stated he and the Mt. Sheriffs Assoc. support this bill.

Mr. Jewell stated they support the idea of a peace officer taking the driver's license in lieu of bail, but do have some concerns about the practicality of putting the idea into effect: 1) Mr. Jewell's first concern was a peace officer taking a person's driver's license for any amount of bail, from a \$25 first offense to a third offense on a DUI is worth about a \$1000. Mr. Jewell felt there should be some kind of guidelines on minimum and maximum amounts. 2) Mr. Jewell stated the second concern is how would the officer know from a first citation the restrictions that individual is supposed to have. See Exhibit 3.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Patterson asked Mr. Funk if it would be wise for the court to retain possession of that driver's license for seven days before they submit it to the Dept. of Justice for suspension so if they missed the court appearance it would give them a grace period to show up for court and cut the paper work back. Mr. Funk stated it would be okay, but would prefer the 30 day grace period because he was afraid they would still get backed up with paper work with only the 7 days.

Rep. Patterson asked Mr. Funk if this would also apply on the \$5 daytime speeding ticket on the highway. Mr. Funk stated it would.

Rep. Stang asked Mr. Funk if forms are already made up where would they put the restriction for that individual. Mr. Funk stated it could go on the back of the violator's copy (pink copy).

Closing by Sponsor: Sen. Halligan closed stating he thought it would be a good idea for the Justice of the Peace to hold the driver's license for seven days before it is sent to the Dept. of Justice for suspension. Sen. Halligan stated the main part of this bill is the request of the violators if he/she chooses to give up the driver's license.

Executive Action:

DISPOSITION OF SENATE BILL 216

Motion: Rep. O'Connell moved for SB 216 to BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Roth called the question. The motion CARRIED unanimously to BE CONCURRED IN and placed on the consent calendar.

DISPOSITION OF SENATE BILL 221

Motion: Rep. Bachini moved for SB 221 to BE CONCURRED IN.

Discussion: None

HOUSE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

March 2, 1989

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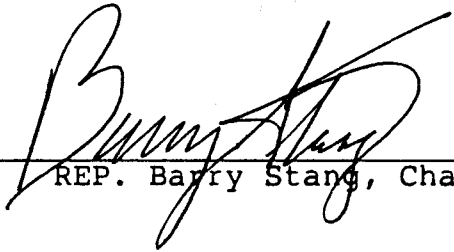
Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Campbell called the question. The motion CARRIED unanimously to BE CONCURRED IN.

There being no further business the Committee was adjourned.

ADJOURNMENT

Adjournment At: 4:20 p.m.



REP. Barry Stand, Chairman

BS/cj

4906.min

DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date March 2, 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

March 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation
report that Senate Bill 216 (reference copy -- blue) be
concurrent in .

Signed: _____
Barry Stang, Chairman

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

STANDING COMMITTEE REPORT

March 2, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation
report that Senate Bill 221 (reference copy -- blue) be
concurred in .

Signed: _____
Barry Stang, Chairman

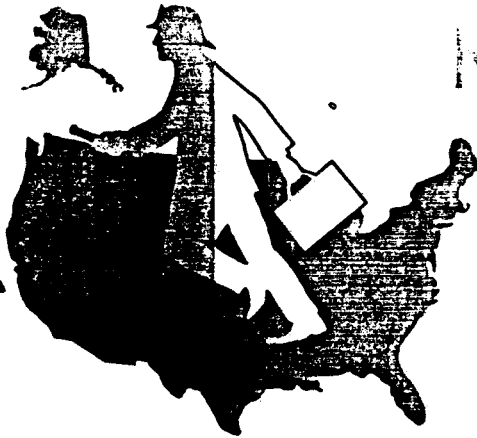
[REP. Steppeler WILL CARRY THIS BILL ON THE HOUSE FLOOR]

EXHIBIT 1

DATE March 2, 1989

HB SB 216

National Volunteer Fire Council



E. James Monihan
Chairman
45 Sussex Drive
Lewes, Delaware 19958
(302) 645-9064

Ron C. Miller
1st Vice Chairman
Box 34
Fairbank, Iowa 50629
(319) 635-2422

Robert McKeon
2nd Vice Chairman
73 New Village, Occum
Norwich, Connecticut 063
(203) 622-6028

Gus Welter
Secretary
9944 Harriet Avenue
Bloomington, Minnesota 55420
(612) 881-8114

Jack Condon
Treasurer
P.O. Box 337
Dallas, Oregon 97338
(503) 623-8265

FOR IMMEDIATE RELEASE

Contact: Robert McKeon
(203) 822-6028

DOT COMMERCIAL DRIVERS LICENSE WAIVER FOR FIREFIGHTERS APPLAUDED, BUT ONLY FIRST STEP: NVFC

The Sept. 20 decision by the U.S. Department of Transportation (DOT) to grant waivers to firefighters from provisions of the Commercial Motor Vehicle Safety Act of 1986 marks an important victory for volunteer fire departments, according to E. James Monihan, chairman of the National Volunteer Fire Council (NVFC).

NVFC, with the support of volunteer fire departments across the country, led the campaign to obtain the waiver. DOT's Federal Highway Administration (FHWA) received nearly 900 comments from NVFC, fire departments and other organizations supporting the waiver and pointing out the financial burden imposed, especially on volunteers, by requirements under the Act.

Without the waiver, drivers of most fire apparatus would have been required to obtain a commercial drivers license. The new decision gives states authority to exempt operators of firefighting equipment from these requirements.

-more-

While Monihan applauded the DOT decision, he stressed that the NVFC will continue to pursue legislation, currently pending in the House Public Works Committee, to exempt firefighters from provisions of the Act.

"We know the legislation has little chance of passage this late in the current session," he said. "However, we will continue to lobby for it and will encourage its introduction and passage in the next session if necessary."

Integral to obtaining passage of the legislation, and to maintaining the DOT waiver, is the safety record of the fire service. Monihan pointed out that the 1986 Act authorized DOT to grant waivers only if they would not jeopardize overall safe operation of the vehicles covered. FHWA plans to monitor the safety records of the groups that have been granted waivers.

"The best way to ensure that our waiver is not revoked, and that legislators are willing to support making it law, is to show that we are taking aggressive action to ensure safe operation of all fire apparatus and other emergency vehicles," said Monihan.

NVFC is formulating several safe driving initiatives which its Board of Directors is expected to consider at its Fall Meeting next month.

Dept of 9 contract
Bill Furois
ext 3290

EXHIBIT 3
DATE March 2, 1989
HB SB 214

COMMERCIAL DRIVER LICENSE; WAIVERS

NOTICE OF FINAL DISPOSITION

49 CFR PARTS 383 AND 391
RIN 2125-AB68

*Received
10/13/88
Fire Marshal Bureau*



U.S. Department
of Transportation
Federal Highway
Administration

RECEIVED

SEP 30 1988

DIVISION OF
MOTOR VEHICLES

DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

49 CFR Parts 383 and 391
[FHWA Docket No.]
RIN 2125-AB68

COMMERCIAL DRIVER'S LICENSE PROGRAM; WAIVERS; NOTICE OF FINAL
DISPOSITION

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of final disposition.

SUMMARY: A variety of parties requested exemptions from the commercial driver testing and licensing standards (49 CFR 383), and other provisions of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. L. 99-570, 100 Stat. 3207-170). The specific waiver requests considered were for drivers of six different groups:

- (1) Farm vehicles;
- (2) Firefighting equipment;
- (3) Military vehicles;
- (4) Transit buses;
- (5) Certain vehicles used by railway companies; and
- (6) Public utility vehicles.

The FHWA has decided that it is not contrary to the public interest to grant waivers to firefighters and certain farmers from the Federal commercial driver's license regulations (49 CFR Part 383). The effect of this action is to allow States the option to exclude these groups in State implementation of the Federal regulations.

The FHWA also finds that it not contrary to the public interest to waive non-civilian operators of military equipment owned or operated by the Department of Defense (DoD), including the National Guard, from the requirements of 49 CFR Part 383. For the other groups, (transit buses, certain railway vehicles and public utility vehicles) the FHWA has determined that waivers from the requirements will not be granted, at this time, so as to lessen the possibility of diminishing commercial vehicle safety and assuring that the public interest continues to be served.

EFFECTIVE DATE: (Upon the date of publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT: Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202) 366-4001; or Mr. Paul L. Brennan, Office of the Chief Counsel, HCC-20, (202) 366-1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

BACKGROUND:

The Commercial Driver's License (CDL) program was established by the Commercial Motor Vehicle Safety Act of 1986 (Act). The Act requires that the driver of a commercial motor vehicle (1) have a single driver's license, (2) be tested for the knowledge and skills needed to drive a commercial motor vehicle, and (3) be disqualified from driving a commercial vehicle if the driver commits certain criminal or traffic violations.

The provisions of the Act apply both to interstate and intrastate drivers involved in trade, traffic, and transportation. The Act includes many persons and vehicles, particularly those in intrastate commerce, not previously covered by Federal Motor Carrier Safety Regulations (FMCSRs).

Waiver Procedures

Section 12013 of the Act provides the Secretary with the authority to waive any class of drivers or vehicles from any or all of the provisions of the Act or the implementing regulations, if the Secretary determines that the waiver is not contrary to the public interest and does not diminish the safe operation of commercial vehicles. Under Federal regulations (49 CFR 383.7), a person may petition the Federal Highway Administrator for a waiver. The Administrator may deny the petition if it is determined to be without merit. If the Administrator determines that the petition may have merit, the FHWA will publish a notice in the Federal Register to provide opportunity for comment. After analyzing the comments, the Administrator may grant or deny the waiver. The FHWA will then publish a notice of its decision on the petition in the Federal Register.

Response to Notice

In response to the notice published in the Federal Register on April 14, 1988 (53 FR 12504), the FHWA received over 1,700 comments regarding commercial driver's license waivers. The majority were from individual farmers or firefighters supporting the waiver. Over 140 letters from members of the Congress also expressed support for waivers for these two groups. Most of the information presented referred to the issue of whether or not the public interest would be served by allowing waivers.

Farmers - The FHWA has determined that it is not contrary to the public interest to allow States, at their discretion, to waive certain farmers from the requirements of the CDL program. Absent a waiver, all farmer operators of commercial vehicles of over 26,000 pounds and of vehicles carrying hazardous material in amounts sufficient to be placarded would be subject to the CDL program. Based on the farm vehicle operations safety data available to FHWA at this time, comments to the docket, and the potential burdens imposed on the farmers, FHWA believes that a waiver for farmers involved in small scale farm to market transportation movements is appropriate. The FHWA believes that it is contrary to public interest to waive long haul farm vehicle movements, as well as persons that provide for-hire trucking services to the farm community.

To ensure that any waiver is focused on legitimate farm to market operations by farmers, the group of farm vehicle operators the State may waive is limited to those operators of a farm vehicle which is:

- controlled and operated by a farmer;
- used to transport either agricultural products, farm machinery, farm supplies or both to or from a farm;
- not used in the operations of a common or contract motor carrier; and
- used within 150 miles of the person's farm.

This limited exemption will provide States with the flexibility to address the concern of farmers, yet retain the safety enhancements included in the Act and implementing regulations for commercial motor vehicles drivers.

In response to the petitions and the subsequent notice, over 700 comments were submitted from either individual farmers or groups, such as the American Farm Bureau, which represent farmers. Of these, the vast majority were in favor of waiving farmers from the CDL requirements and believe that farm operations are generally different from typical "over the road" business. They note that farm vehicles are used for shorter, more localized trips and farm vehicles are used seasonally. Also, farm vehicles are usually driven by family members or seasonal employees who drive only incidentally, i.e., to pick-up and deliver supplies, or during the harvest season, to farming. The FHWA traditionally has recognized these differences in farm operations and has included exceptions in the Federal Motor Carrier Safety Regulations for certain farm operations.

In response to the petitions requesting waivers for farmers, the FHWA, in cooperation with the Department of Agriculture (DOA), requested the University of Michigan Transportation Research Institute (UMTRI) to examine the data relating to farm truck safety. The UMTRI study developed farm and non-farm safety estimates for vehicles in weight classes of 10,000 pounds Gross Vehicle Weight Ratings (GVWR) and higher. These estimates were developed using the

information in the Census Bureau's Transportation Inventory and Use Survey (TIUS) along with samples of the original TIUS vehicle registration data from R. L. Polk Company, information developed by UMTRI through their own surveys and data in the Trucks Involved in Fatal Accidents File (TIFA), and recent UMTRI nationwide studies of truck operations.

The UMTRI estimates show that farmers constitute a very small proportion of fatal truck accidents and are significantly under-involved in such accidents for the vehicle weight classes for which data is readily available., i.e., classes of 10,000 pounds GVWR and higher. For example, in 1982 (the most recent year the TIUS is available), fatal farm accident involvement for various vehicle weight classes compared to fatal non-farm accident involvement as follows:

Involvements in Fatal Accidents
(Fatalities per hundred million miles traveled - 1982)

	<u>FARM VEHICLES</u>	<u>NON-FARM VEHICLES</u>
Vehicles above 10,000 pounds GVWR	2.95	6.64
Vehicles above 26,000 pounds GVWR	2.81	7.25

Thus, the accident rate for farm vehicles in 1982 was less than one half of the rate for non-farm vehicles. The FHWA has no information which would indicate a change in these accident rates for more recent years. (The FHWA will continue to monitor and re-evaluate data and information related to farm vehicle safety to determine whether the waiver for such operation continues to be justified on a safety basis.)

Data available from the Research and Special Programs Administration's Hazardous Materials Information System indicates that there have been no fatalities reported by farmers related to light or heavy vehicles, which carry hazardous materials. Also, the 1982 farm vehicle fatal accident involvement rate is about the same as that for passenger vehicles. Thus, the FHWA believes that farm vehicle operations, both for small and heavy vehicles, have a better safety record than average non-farm commercial motor vehicle operations. The FHWA concludes that a waiver of this group would not result in a reduction in the safe operation of a commercial motor vehicle. The FHWA will continue to monitor the data to ensure that the waiver continues to be warranted from a safety standpoint. More specifically, the FHWA will re-evaluate farm vehicle accident rates when the 1987 TIUS data becomes available. That data collection is now underway, and processing should be completed by early 1990.

Several commenters suggested that inclusion of farmers in the CDL system may impede the overall effectiveness of the CDL program or overburden many States' administrative processes. The National Transportation Safety Board (NTSB) also recognized the potential problem of adding farmers to the CDL program in its comments to the docket. The NTSB stated:

"If the presence of a large number of farmers in the commercial driver's license system (CDL) causes the testing and licensing standards to be less stringent, then the overall safety impact could be reduced."

The FHWA estimates that there may be 1.1 million farm vehicles included in the definition of a commercial motor vehicle. Of these, only 178,000 vehicles are believed to be heavy vehicles above 26,000 pounds GVWR. The majority of the farm vehicles included in the definition are pick-up trucks or other light weight trucks (under 26,001 pounds GVWR) which are used to transport pesticides, fertilizers, or other products integral to farming; but which are defined as hazardous materials. Based on this number of vehicles, the FHWA estimates that there may be as many as 1.8 to 3.0 million drivers that may from time to time operate a vehicle meeting the definition of a commercial motor vehicle.

The FHWA believes that the imposition of the CDL program on the entire farm community, even spread over the next four years, could be contrary to the public interest. As indicated at the time of the request for comments on the CDL waivers, the Department indicated that it wanted to take a reasonable common-sense approach in implementing the CDL legislation. Thus, the FHWA endorses an exemption that would be allowed for short haul farm to market movements. The waiver would not be available to operators of farm vehicles who operate over long distances, operate to further a commercial enterprise, or operate under contract or for-hire for farm cooperatives or other farm groups. Such operators drive for a living and do not drive only incidentally to farming.

Firefighters and Operators of Emergency Equipment. Over 900 comments were from groups or individuals who addressed waivers for firefighters. Of these, most supported a waiver and stated that firefighters, especially volunteers, would find the financial burden imposed by the commercial driver license requirements onerous. Most firefighting organizations have extensive initial training as well as retraining requirements for their equipment operators.

Therefore, the FHWA believes it not contrary to the public interest to waive operators of firefighting and other emergency equipment from the requirements of the Act. Drivers who operate emergency or fire equipment which is necessary to the preservation of life or property or the execution of emergency governmental functions perform under emergency conditions and are not subject to normal traffic regulation. These vehicles are equipped with audible and visual signals and are operated by a person in the employ of a

volunteer or paid fire organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included.

Military Personnel - FHWA has determined that military vehicles when operated by military personnel in pursuit of military purposes are beyond the intended coverage of the Act. Virtually all states currently make no effort to regulate operators of military vehicles, and FHWA finds no public interest or safety benefit to be gained by requiring such state regulations at present. The DoD administers the Defense Traffic Safety Program which assures adequate training and supervision of military drivers.

Although the FHWA does not collect data for civilian versus non-civilian accidents, the DoD provided some information in its docket submission. These data show that during 1987 approximately 10,500 DoD vehicles of commercial design (i.e., vehicles which would meet the definition of a commercial motor vehicle) traveled 52 million miles on and off military installations. These vehicles were involved in 3 fatal accidents.

The FHWA believes that commercial vehicle safety will not be diminished if all non-civilian operators of equipment owned or operated by the Department of Defense are waived from the Act's requirements. This waiver applies to any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice).

Transit Operators, Railroad Employees, Public Utility Employees and Other Groups - The information available to the FHWA at this time indicates that these commercial motor vehicle operations are conducted by a wide variety of business entities, which are subject to varying degrees of regulation by Federal, State, and local authorities. These groups do not specifically deal with the protection of life and property. Moreover, these groups operate a large number of vehicles nationwide under all types of conditions (i.e., in urban, suburban, and rural areas; on highways and other roads; with varying speeds and traffic congestion; and in all weather conditions and at all times of day). For example, transit buses carry millions of passengers each day with the ever present threat of an accident involving a high loss of life. Public utility and railroad employees both operate large or hazardous material laden vehicles both day and night throughout the year, sometimes under the most adverse weather conditions. Finally, these vehicles are operated by drivers who tend to be highly trained to provide other services and who may receive extensive job safety training, but who oftentimes have limited opportunities to acquire knowledge of, and develop skills for, the safe operation of commercial motor vehicles. Accordingly, the FHWA is unable to conclude that granting waivers to these groups at this time will not be contrary to the public interest or will not diminish the safe operations of commercial motor vehicles.

Further, many of the commenters requested waivers because of misunderstandings about the requirements of the CDL program. Some of the major areas of confusion that were reflected in the comments to the docket relate to the price of the CDL, age requirements to obtain a CDL and the inter-relationship(s) between the new CDL requirements and the more traditional Federal requirements found in Parts 390-399. With respect to the price for a CDL, many commenters believe the CDL will cost \$450.00. Under Part 383, each State will establish its own fee structure. One State, which currently has a classified licensing and testing system in place that is very similar to the types of licensing and testing required under the CDL program, charges between \$38.00 and \$42.00 for a license which is good for four years. The FHWA does not expect that a \$450.00 fee or an almost 10-fold increase in the price of a similar license is likely. With respect to the minimum age to obtain a CDL, many commenters believe all CDL holders need to be 21 years of age under Part 383. However, drivers who do not operate in interstate commerce and even certain interstate farm vehicle drivers do not have to be 21 years old unless that is the minimum age their State requires. Finally, many commenters seem to believe that CDL holders need to keep log books or that vehicles operated by a CDL holder automatically become subject to the Federal vehicle inspection requirements. Under the CDL program, this is not the case unless the driver or the vehicle is already subject to such requirements. Thus, the FHWA believes that when such groups gain a complete understanding of the requirements as included in the Final Rule issued on July 21, 1988, many of their concerns may be resolved.

When the promulgation of all requirements of the Act is completed, FHWA intends to amend the regulation to reflect these waivers.

AUTHORITY: Title XII of Pub. L. 99-570, 100 Stat. 3207 170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

Issued on:

SEPTEMBER 20, 1988

Montana Magistrates Association

2 March 1989

Testimony offered to the House Highways and Transportation Committee regarding Senate Bill 148, a bill for an act entitled: "An act providing that a person cited for a motor vehicle violation may give up his license in lieu of bail and drive on a temporary permit until the date of his court appearance."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

We support the idea behind SB148 but we do have some concerns regarding the practicality of putting this bill into everyday use.

Is the driver's license good for an unlimited amount of bail? Perhaps some provision should be made to set minimum and maximum amounts for which a driver's license could be accepted.

On page 1, line 23, the bill states that the person so cited may operate his vehicle with his temporary permit with any restrictions and conditions on his driver's license; how are these restrictions and conditions to be known to another officer who may stop the individual before his court date? Will that officer be required to call in to the department to determine if that cited person is operating a motor vehicle in violation of restrictions placed on his license? If the officer does call in and finds that the offender is doing just that, operating a motor vehicle in violation of restrictions, will the officer be able to issue the person another temporary permit to drive until he appears in court?

On page 1 line 17 it states that the officer shall "note on the back of the copy of the citation given to the cited person" that the offender may use his copy as a temporary driving permit. Is the officer going to do this in his own handwriting? If this is the case I can see many problems with "cited persons" writing their own temporary driving permits. If the notice to appear forms are to be printed with a blank "temporary driving permit" printed on the back, again I can see many "cited persons" issuing their own temporary driving permits. Also, there is a possibility that a locality will have a large number of citations already on hand when this bill becomes law; are they going to have to dump these citations and have more printed with the proper form on the back? The cost of this may be prohibitive as they cost approximately \$0.13 per citation or \$123.00 per thousand.

Also, if a license is suspended and later reinstated, when is the date of reinstatement- when the person appears in court or when he receives the license back from the department in Helena.

What about the person who is to appear before the court on Monday but is not able to appear or contact the court because he is stuck in the country away from any phone. The court would notify the department of justice in Helena to suspend the person's driver's license. Then the person appears before the court on Wednesday. The department has his license and it is suspended for being late a couple days through absolutely no fault of his own. By the time the court notifies the department that the person has appeared and his license is no longer suspended perhaps a week to 10 days has passed during which the person could not legally drive. This is the reason that current statute mandates suspensions of 6 months and longer, to give the department of justice time to take care of the necessary paperwork. In cases like the example just given we can see where the paperwork would cause a veritable snowstorm back and forth between local courts and the department of justice.

As I earlier stated, the Montana Magistrates Association supports the intent of this legislation but the many procedural questions about how it will be implemented causes us concern.

Wallace A. Jewell.

MISSOULA COUNTY

SB 148

3/2/89

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

BCC-89-402
February 27, 1989

Barry "Spook" Stang, Chairman
Highways and Transportation Committee
Montana House of Representatives
Room 317
Capitol Station
Helena, MT 59624

Dear Spook and Committee Members:

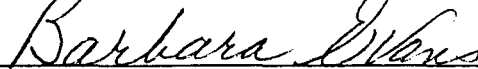
We are writing in support of SB-148, which would provide the option of allowing people cited for motor vehicle violations to give up their driver's license in lieu of bond.

From our perspective, the biggest advantage of passing this bill would be having fewer warrants in the court system, thus freeing up administrative time in Justice Court and administrative and deputy time in the Sheriff's Department. As it is now, many of these motor vehicle violations are in the \$10-\$30 range, and involve people who can't post cash for the bond, so they either have to be jailed or released. Most are released. When they subsequently fail to appear, an unwarranted amount of time is spent trying to track people who've moved from the address on their license, and it costs more than it's worth to collect. Other states that have tried this system have found that taking a driver's license until the judicial process is satisfied is an effective and efficient way to handle these violations because people are motivated to get their licenses back.

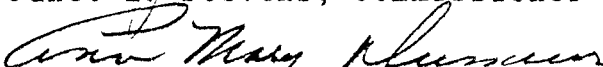
We therefore urge you to support this bill.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS


Barbara Evans, Chairman


Janet L. Stevens, Commissioner


Ann Mary Dussault, Commissioner

BCC/lm

cc: Missoula Representatives
Gordon Morris, Executive Director
MACo

DEPARTMENT OF JUSTICE
FISCAL IMPACT OF 1989 LEGISLATURE BILLS ON VEHICLE REGISTRATION
Prepared as of 3/1/89

Potential Fiscal Impact

Bill	Description	Trans- mitted?	R E V E N U E			E X P E N D I T U R E S		
			FY 90	FY 91	FY 90	FY 91	FY 90	FY 91
H.B. 111	Increases the junk vehicle disposal fee from \$.50 to \$1.10	NO	\$451,613	\$908,466	\$0	\$0	\$0	
H.B. 119	Personalized plate fee increases from \$20 to \$25, with the renewal fee increase from \$5 to \$10.	YES	(immaterial impact on State government)					
H.B. 165	Requires registration and titling of off-highway vehicles.	YES	390,000	375,000	18,500	19,400		
H.B. 245	New license plates 1/1/90; \$2 fee for set of new plates.	YES	860,000	860,000	1,148,000	1,459,500		
H.B. 410	Allows a local air pollution control program fee up to \$1 assessed on certain vehicles.	NO	no fiscal note.					
H.B. 712	Makes fee for titling vehicles, snowmobiles and boats uniform; increases registration fee.	?	1,772,000	1,772,000	-	-	-	
Total impact if all bills passed			\$3,473,613	\$3,915,466	\$1,166,500	\$1,478,900		
Net impact for biennium			\$4,743,679					
Total impact of just bills transmitted (includes "?")			\$3,022,000	\$3,007,000	\$1,166,500	\$1,478,900		
Net impact for biennium			\$3,383,600					

DEPARTMENT OF JUSTICE
FISCAL IMPACT OF 1989 LEGISLATURE BILLS ON THE MOTOR VEHICLE ACCOUNT
Prepared as of 3/1/89

Bill	Description	Trans- mitted?	R E V E N U E FY 90	R E V E N U E FY 91	E X P E N D I T U R E S FY 90	E X P E N D I T U R E S FY 91
H.B. 119	Personalized plate fee increases from \$20 to \$50.	YES	(\$40,000)	(\$40,000)	(\$8,000)	(\$8,000)
H.B. 165	Requires registration and titling of off-highway vehicles.	YES	390,000	375,000	18,500	19,400
H.B. 223	Allows demonstrator motor vehicles to display only one license plate.	YES	-	-	(7,700)	(7,700)
H.B. 245	New license plates 1/1/90; \$2 fee for set of new plates.	YES	360,000	360,000	1,148,000	1,459,500
H.B. 559	Allows motor vehicle manufacturers' reps to display manufacturer's license plates	YES	2,830	2,830	133	-
H.B. 574	New license plates; one plate (rear) only.	NO	-	-	300,643	77,402
H.B. 712	Makes fee for titling vehicles, snowmobiles and boats uniform; increases registration fee.	?	1,772,000	1,772,000	-	-
S.B. 308	Allocates part of the coal severance tax for criminal investigations.	YES	-	-	(115,015)	(116,424)
S.B. 345	Provides for motor homes to be registered on a staggered basis.	NO	-	-	1,400	1,400
S.B. 365	Provides for filing security interests for boats.	YES	4,300	4,300	-	-
S.B. 366	Provides for filing security interests for snowmobiles	YES	2,200	2,200	-	-

S.B. 379 Changes the classification of 1-ton trucks for taxation purposes.

NO	-	-	2,000	2,000
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S.B. 411 Increases conservation speeding ticket from \$5 to \$10.

?	238,000	238,000	-	-
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Total impact if all bills passed

\$3,229,330	\$3,214,330	\$1,839,961	\$1,427,578
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Net impact for biennium

\$3,176,121

Total impact of just bills transmitted (including "?")

\$3,229,330	\$3,214,330	\$1,035,918	\$1,346,776
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Net impact for biennium

\$4,060,966

VISITORS' REGISTER

Highways

COMMITTEE

BILL NO. SB 98, 148, 216 & 221 DATE March 2, 1989

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Beate Golder	Dept. of Highways	SB 221	
Duane Tooley	Driver Services	SB 216	
Darrell Beckstrom	Driver Improvement	SB 148	
Henry E. Lohr	MT. State Vol. Firefig. Assn.	SB 216	
Lyle Nagel	MT. St. Vol. Firefig. Assn.	SB 216	
Edward L. Flinn	MT St. Council of Professional Firefig.	SB 216	
David Willis	Polson		
Wally Jewell	MT MAGIS ASSOC	X	
Don Siweck	MISSOULA Co. DEPUTY SHERIFF Assn.	SB 148	
Port Harington	County Treas. Ass.	SB 98	✓
T. Gregory Harg	Madame Shuff Ass.	SB 148	
Peter Funk	Dept of Justice	SB 148	

PLEASE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.