

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By **CHAIRMAN BARRY STANG**, on February 14, 1991, at 3:00 p.m.

#### **ROLL CALL**

**Members Present:**

Barry "Spook" Stang, Chairman (D)  
Floyd "Bob" Gervais, Vice-Chairman (D)  
Ernest Bergsagel (R)  
Robert Clark (R)  
Jane DeBruycker (D)  
Alvin Ellis, Jr. (R)  
Gary Feland (R)  
Mike Foster (R)  
Patrick Galvin (D)  
Dick Knox (R)  
Don Larson (D)  
Scott McCulloch (D)  
Jim Madison (D)  
Linda Nelson (D)  
Don Steppler (D)  
Howard Toole (D)  
Rolph Tunby (R)

**Staff Present:** Valencia Lane, Legislative Council  
Claudia Johnson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

#### **HEARING ON HB 636**

**Presentation and Opening Statement by Sponsor:**

**REP. JIM ELLIOTT**, House District 51, Trout Creek, said that HB 636 resulted from a merger of local garbage districts in Sanders County. About a year ago, the garbage districts merged to comply with federal regulations and eliminate landfills. Forty-six yard containers were set up to be hauled to a transfer sight, either BFI landfill at Missoula or the Lake County landfill. Three options were examined to move the garbage to the landfill. One was entering into a contract with the owner of the landfill who would be granted the PSC permit. Another option was for the county to purchase their own truck to haul the garbage. The third option was private contract. The county wants to use the

private contractor to create jobs to help small businesses, and keep government costs and numbers down. The difficulty is a stipulation of the contract is that the firm must have a PSC permit. Sanders County Refuse District Disposal Board has been told if a private person applies for a permit, BFI will oppose that permit putting small businessmen of the county in a bind. There is a provision in the state law allowing the presentation of a valid state contract to haul acting as proof of public convenience and necessity. This bill would extend that provision in state law to counties and refuse disposal districts. It was pointed out by Sue Weingartner that there is a possible problem in the bill that contract haulers with a contract to haul city garbage could be underbid by an independent who would then pick up the contract. The former contractor would have the permit with no job. The amendment distributed earlier specifies the provision in the bill is good only for contracts providing hauling from a licensed container system or transfer system to a certified landfill. EXHIBIT 1 This is important for economic development in REP. ELLIOTT'S area, which has a high unemployment rate. If the bill is approved, he would like an amendment that the bill will be effective upon passage and approval so that Sanders County can stop using local dumps.

#### Proponents' Testimony:

Katherine Regier, Executive Director Sanders County Solid Waste Disposal Board, is very much in favor of the bill. The Board would like to let the contract to a private hauler, but they have been informed by big business that the PSC permit would be challenged.

Shelly Laine, Director of Administrative Services for the City of Helena, said that Helena City Commission supports HB 636. Helena is presently working terms with the proposed joint landfill transportation operation. It had been hoped that local governments would fall under the definitions of state contract and state agency, but this appears not to be the case. Ms. Laine urges support of the bill.

Harry Ellis, #1 Equipment Co., Bozeman, supports HB 636. EXHIBIT 2

#### Opponents' Testimony:

Frank Crowley, Montana Solid Waste Contractors Association, is comprised of solid waste haulers and landfill owners and operators. He said solid waste issues are emerging as a major environmental and business topic in the 1990s. The Association has been tracking several bills that affect the solid waste industry in the state. Even with the amendment proposed by REP. ELLIOTT, the Association opposes the legislation. The Motor Carrier Act in title 69, chapter 12, treats motor carriers as a utility with regulations for who is hauling, what is hauled, and how it is hauled. For Class D solid waste haulers, a process has

been set up by PSC entailing a hearing to determine if the hauler is fit to serve as a Class D carrier. Quality of service, dependability, and the availability of service in the service area are considered. This bill exempts another large class from this PSC oversight: (1) the scope of the bill is very broad. Currently haulers are exempt for federal and state contracts. Solid waste is not a major feature of federal and state operations. This bill provides a blanket of exemption across the board for contracts. There is no limit on the time or dollar amount of contracts. It is limited to transfer stations and to pick up boxes, but involves the entire state. The scope of the bill is tantamount to repealing a large part of the Class D motor carrier provisions; (2) service and safety. The PSC hearing assures financial fitness, dependability and types of equipment must be demonstrated. As proposed, all that needs be done is present a contract to obtain a certificate of need; (3) Economic impacts will be felt by people who currently hold Class D certificates. Many business do both door-to-door collection and transfer site collections. Those typically are haulers serving outlying areas. By allowing local government to contract out a part of the service will erode the customer base of the current Class D certificate holder; and (4) local government is backing away from oversight of the solid waste industry. More scrutiny is needed to serve the public welfare. Reasons justifying the present exemption for federal and state contracts do not exist with local government and refuse districts. The bill could destabilize the current solid waste system in the state.

Terry Archambeault, T & R Trucking, said he is a refuse hauler in Valley County. Hauling in Valley County is capital intensive and requires long debt payoffs. Added to that, with the sparse population, another hauler in his area would be critical. Currently, Mr. Archambeault is able to keep his equipment in top notch shape. Multiple haulers reduces revenues which could result in reduction in preventive maintenance. Everyone is serviced in the service area even on unprofitable routes. The PSC has considered on a case by case basis if more authorities in an area would be beneficial. The PSC makes a decision in the public's best interest. The public right to save 25 or 50 cents a month on garbage hauling bills is great, but it could have a negative impact on a viable operation.

Henry Haye, We Haul Garbage, Inc., Columbia Falls, stated in his area of Flathead County have their own disposal district, but is considering getting out of the hauling business to let the companies with PSC permits do the hauling. Mr. Haye could bid on the Columbia Falls area and use smaller trucks than are needed for hauling for the entire county. He feels it should be limited to existing Class D haulers within the area, not open to everyone who might get the necessary permits and insurance if the contract is awarded to them.

Scott Orr, S. J. Orr Services, Libby, operates a garbage business in Noxon, Heron, and Trout Creek in the west end of Sanders

County. The problem in Sanders County could be worked out in other ways that this deregulation bill which would harm a lot of people in the state. Mr. Orr is willing to work with REP. ELLIOTT to come up with solutions to the problem. He has attended many Refuse Board Meetings and public meetings and there are ways to cure the problem within the current system.

Terry Kelly, Evergreen Disposal Service, Kalispell, has a larger population base to service. This profession has daily new regulation from federal and state government on how garbage is picked up, emissions on vehicles, new drivers license requirements. Someone not familiar with the system could end up doing serious harm.

Dennis Johnston, District Manager, BFI, Billings District, has been in the garbage business for 20 years as an employee, owner/operator of a small company. He sold his business to BFI in August 1988. Solid waste disposal has changed over the last few years. Waste collection disposal is regulated by many different local, state and federal agencies. Regulations are intended to protect the interest of the industry employees, the general public and the environment. To comply with these regulations, haulers have had to implement training programs for employees and make themselves aware of regulations. Collection and disposal of solid waste is more involved than just dumping the cans in the truck and taking it to the landfill. Professional people must be hired, checking driving records, medical history, giving road tests, written examinations on DOT regulations, testing for drugs, giving extensive training, doing vehicle inspection, recognizing and identifying hazardous special waste. The licensed hauler in Montana makes a commitment to be responsible in their obligation as professional solid waste haulers. This costs money. Taking away service areas will necessitate cutbacks. Cutbacks cannot be made in fuel, equipment, or manpower, so cutbacks usually come in the area of safety. It is not only the low bid that serves the public, it is safety and professionalism in the industry. Loss of a service area would affect the ability to provide the needed training.

#### Questions From Committee Members:

REP. LARSON asked REP. ELLIOTT what would stop the local refuse district from awarding the contract to the existing Class D carrier in the area? REP. ELLIOTT said not a thing.

REP. FELAND asked REP. ELLIOTT'S if his client had applied for authority. REP. ELLIOTT said no one has applied for an authority, because BFI said it would protest the authority.

#### Closing by Sponsor:

REP. ELLIOTT said basically the opponents presented this as an attempt at broad view regulation of the contracting of garbage hauling. With the amendment severely limiting the scope of the

bill a case cannot be made. Opponents talk about safety, dependability of established haulers, but these terms can be met by another contracting agency. Local government is looking out for the interest of taxpayer dollars. The bill is not talking about a contractor going door to door to pick up garbage to take to the transfer station. It is talking about a rig that can pick up the 46 yard boxes and haul that to the landfill. The bill attempts to create a private job within the community. With the amendments the bill will allow local garbage districts to contract to a hauler the cartage to a certified dump of refuse already collected and put in a 46 yard box or transfer station by private refuse disposal people. He said that REP. LARSON had pointed out that opponents can enter a bid when the contract comes up for bid. The reason for this bill is BFI said it would prohibit anyone in Sanders County from getting a PSC permit to haul garbage from Sanders County to the BFI landfill in Missoula. REP. ELLIOTT said he will work with anyone who has problems with the bill. It isn't the purpose of HB 636 to put any local person out of business.

#### HEARING ON HB 440

#### Presentation and Opening Statement by Sponsor:

REP. JIM SOUTHWORTH, House District 86, Billings, said HB 440 is an attempt to take triple trailers off the road. It is a safety bill that benefits Montana motorists. Motorists are 49 times more apt to die in truck-car accidents than is a truck driver. Between 4,500 and 5,000 people died last year on America's highways in truck related accidents, with 100,000 people injured. Legislation should be enacted to make highways safer, and that is what this bill does. Currently, fourteen states allow triple trailers. Less than two percent of trucking firms in the nation use triple trailers. Interstate commerce will not be adversely affected by this legislation. EXHIBIT 3

#### Proponents' Testimony:

Chet Kinsey, Montana Senior Citizens Association, supports the bill. Triple trailers are too long to pass on the road and are a hazard on bridges.

Lloyd Anderson, Montana Senior Citizens, East Helena, has built bridges in about six states. Engineers feel the bridges in Montana are not designed for long, heavy loads. Heavy trucks put troughs in the road that fill with rain and get slick.

Helen McKnight, Helena, supports HB 636.

Clyde Dailey, Montana Senior Citizens Association, reported his Board has discussed this issue. Many are afraid to pass triple trailers. The trucks are dangerous and should be removed from the highways. There are hidden costs with operating triple trailers, such as roads, supports in bridges, etc.

**Opponents' Testimony:**

**Ben Havdahl, Executive Vice President, Montana Motor Carriers Association (MMCA),** distributed information and written testimony. He said MMCA opposes HB 440. **EXHIBIT 4 AND EXHIBIT 5**

**Dave Galt, Administrator, Gross Vehicle Weight Division, Department of Highways,** said the DOH opposes HB 440 because the department sees no valid reason for eliminating use of triple trailers on the interstate. The accident record of triple trailers has been excellent. Triple trailer drivers and operations are strictly controlled by a variety of administrative rules put in place in 1987 when the bill was enacted. In his 13 years experience in GVW, Mr. Galt has never seen an industry police itself as effectively as the motor carriers who operate triples. If a problem comes up, the triple trailer operators are contacted and they help police the problem. Since triples have operated in 1987, nearly three quarters of a million dollars in special permit fees have been paid, in addition to increased GVW fees. Triples have a proven safety record, they help the economy of the state, and they have done a commendable job of policing themselves.

**Questions From Committee Members:**

**REP. LARSON** asked Mr. Galt to explain the route system for triples. Mr. Galt said the route system is strictly on interstates. They are allowed a two mile access off the interstate for fuel, terminal access, and food at truck stops. If there is there is a need to go more than two miles off the interstate, they must petition the Department of Highways. The District Engineers then contact cities and check the route before it is approved. In many cases, the route requests are denied.

**REP. ELLIS** asked how many axles and how much weight on triples compared to trucks not covered by this legislation. **Max Neeley, Consolidated Freightways,** said a semi-truck would have five axles with a gross weight of 34,280 pounds per axle. In doubles, there would be five axles with a maximum of 20,000 pounds per axle for a gross weight of 80,000 pounds. With a triples combination, there are seven axles, and in Montana the gross weight allowed is 116,580 pounds, giving 16,600 pounds per axle. The triples have almost 4,000 pounds per axle less than a double. **REP. ELLIS** asked if this legislation affects trucks on the road during sugar beet harvest hauling beets to the plant. How many axles and how much weight is concerned there? Mr. Neeley said it is his understanding that this legislation affects only triple trailers. He does not know the allowable gross weight, but there are nine axles under sugar beet rigs.

**Dave Galt** said beet trucks can haul about 124 to 125,000 pounds. A triple trailer with 9 axles could haul 130,000 pounds.

Closing by Sponsor:

REP. SOUTHWORTH said this is a people bill. These big trucks are unpopular among the common people. Roads are rutted and torn up by trucks. The Governor wants to increase the loads coming from Canada. The message to take the triple trailers off the road is more and bigger trucks must stop. Get the trains back on the tracks. REP. SOUTHWORTH urged a do pass for HB 440.

HEARING ON HB 494Presentation and Opening Statement by Sponsor:

REP. MARK O'KEEFE, House District 45, Helena, said HB 494 is a non-user fee bill. The bill increases the reinstatement fee for drivers licenses of people convicted of DUI from \$50 to \$100. The reason for the bill is federal funding for DUI task forces is about to decrease or disappear entirely. The only way to continue funding the task force is to increase the reinstatement fee. EXHIBIT 6

Proponents' Testimony:

Lonie Parson, Coordinator, Missoula Traffic Safety Task Force, presented testimony in support of HB 494. EXHIBIT 7

Addison Clark, Chief of Police, Kalispell, member Flathead County DUI Task Force, said Kalispell depends on the DUI Task Force to help fund DUI patrolling and associated training. Now that federal funding will be lost, it is imperative to increase reinstatement funds to support the safety program. It is appropriate the offender carry the load rather than the taxpayer. The efforts in local DUI task forces have been instrumental in reversing the trend of alcohol related accidents throughout Montana, not just in Kalispell or Missoula. In 1983, there were 4,172 alcohol related accidents in Montana. In 1989 after six years of the DUI program, that accident rate has been reduced to 2,526. Seventy-two percent of the reduction came from counties with a DUI task force. Mr. Clark asked the committee's support of HB 494.

Beverly Braig, Chairman Flathead County DUI Task Force, Kalispell, is a volunteer for the Task Force. He said that 99 percent of funds are spent in education, prevention and enforcement. A high level of visibility is maintained by the offender paying for enforcement. Ms. Braig urged passage of the bill.

Dale Mrkich, Chairman, Yellowstone County DUI Task Force, Billings, represents a volunteer group of law enforcement personnel, prosecutors, dependency treatment providers, educators, students, tavern owners, beer distributors and others whose purpose is to eliminate drinking and driving in Yellowstone County. Strong DUI enforcement, aggressive prosecution, and

highly visible education programs are stressed. Mr. Mrkich supports HB 494.

Barbara Moy, Coordinator, Lewis and Clark County Stop DUI Task Force, supports all that has been stated, and urged support of HB 494.

Dick Griffin, Chairman, Lake county DUI Task Force, represents the Lake County Commissioners and 22 active members of the task force supporting the bill.

Leonard Wortman, Jefferson County Assessor and Co-chairman of the Jefferson County DUI Task Force, stated additional fees raised by this bill are needed to continue to combat drunk driving deaths and tragedies on highways.

Ken Anderson, member Flathead County Task Force, echoes what has been said and urged the committee to support HB 494.

Albert Goke, Administrator, Highway Safety Division, Department of Justice, is the linking state agency to activities of the DUI Task Force. Members of the Task Force appointed by the County Commissioners annually submit plans for approval. Funds are disbursed quarterly from the General Fund to the Task Force.

George McCauley, DUI Steering Committee, Helena, supports the bill. Mr. McCauley related incidents in his family resulting from a drunk driver. Most of the incidents were before DUI Task Forces. He hoped the money will be available to prevent such incidents happening to another family.

Jim Nugent, City Attorney, Missoula, strongly urged support for DUI Task Force. Task Force are helpful in the area of public awareness and law enforcement.

Opponents' Testimony: None

Questions From Committee Members:

REP. ELLIS wondered why the additional money was not put on the penalty. A bill recently went through that reduced the prison penalty. REP. O'KEEFE said in his opinion this is an increased penalty bill. There are numbers on which to base a budget. It is a cleaner way to keep track of the funding to the DUI Task Forces.

Closing by Sponsor:

REP. O'KEEFE said one nice thing about the bill and the DUI Task Force, is the funding mechanism it puts in place. If these people continue to do their job as well as they are, they will put themselves out of business. The end goal is to insure people don't drive drunk. The Task Forces are volunteers, a group of citizens throughout the state who do the work without cost.



Money goes into education. REP. O'KEEFE urged do pass.

HEARING ON HB 560

Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, St. Regis, introduced HB 560. It is an act to credit revenue from the drivers license motorcycle endorsement fee to the motorcycle safety training account administered by the Superintendent of Public Instruction.

Proponents' Testimony:

Dal Smilie, Chairman, Montana Motorcycle Safety Advisory Committee, said that the committee set by statute from HB 231 last session advises Superintendent of Public Instruction concerning motorcycle safety education program. Mr. Smilie supports HB 560. EXHIBIT 8

Jill Z. Smith, Town Clerk and Treasurer, Plains, is involved in the sport of motorcycling and urged HB 560 do pass. She presented written testimony. EXHIBIT 9

Linda Ellison, Land Use Coordinator, Montana Trail Vehicle Riders Association, said the organization believes in paying "our way" and spending "our dollars" on "our program". A number of off-road vehicles are also licensed for on-road use. Many members have street bikes as well as off highway bikes. Safety depends on education of those riders. Ms. Ellison urged support of HB 560.

Gregg Groepper, Office of Public Instruction, said he is in favor of HB 560.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

CHAIRMAN STANG believes the proponents explained the bill well, showing a real commitment to motorcycle safety in Montana. He asked the committee for a do pass.

HEARING ON HB 763

Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, St. Regis, presented HB 763 that is a companion bill to HB 560. The bill enacts and makes permanent the Motorcycle Safety Training Program by consolidating the Motorcycle Safety Training Program with the Traffic Education Program providing for transfer of money from the Motorcycle Training account to the State Traffic Education account.

**Proponents' Testimony:**

Gregg Groepper, Office of Public Instruction, presented copies of a proposed amendment. EXHIBIT 10 The Motorcycle Safety Program was authorized with a life through 1993, but all the statutes are temporary. The expectation of the legislature was to have an opportunity to look at the program to see if it was effective and what it was costing. OPI believes it is a good program and proposes to make it permanent as a part of Traffic Education. All statutes about motorcycle safety would become a part of Traffic Education. There are guarantees in this legislation that fees from motorcyclists would be used for motorcycle safety education. It is easier for OPI to account for the money if the programs are changed at the end of the fiscal year.

Dal Smilie, Chairman of Montana Motorcycle Safety Advisory Committee, supports HB 763. The primary accomplishment of the bill is ending the sunset. Many citizens worked last session to get this user fee to help themselves, but they did not propose a sunset.

Jill Z. Smith, Deputy Coordinator for ABATE of Montana, supports HB 763. EXHIBIT 11

**Opponents' Testimony:** None**Questions From Committee Members:**

REP. STEPPLER asked what happens if there isn't enough money in the account to fund the Safety Program? Where does the money come from? Mr. Groepper said the bill allows if the motorcycle safety endorsement fee is inadequate to staff the program and do the advertising, funds come from the Traffic Education Account. This allows a comprehensive traffic education program without earmarked funding. Under existing law, the funds earmarked are the \$2.50 fee. It is supplemented by money from the Highway Department. The program is healthy because of money from the Highway Department. As more people take the course, there will be more money generated from tuition.

REP. STEPPLER asked how many schools have these programs? Mr. Groepper said this is not a program run in the schools. The bill last session was specific that OPI should contract with outside providers for the course. It would be difficult to sell school boards on the importance of a motorcycle safety program through the school system. OPI supervises the program, and the providers of instruction meet national standards.

REP. STEPPLER asked where the courses are offered. Mr. Groepper said after the bill was authorized, he took a course. The course was provided at the Highway Department building using donated space on weekends with a course marked in the parking lot. It was a 19-hour course with an instructor. A similar setup is held in Missoula, Kalispell, Bozeman, Lewistown and different towns

around the state. The instructor has to pass the OPI instructor class, than OPI contracts with that individual to train people locally.

REP. BERGSAGEL asked how OPI got into motorcycle instruction? Mr. Groepper said he presumed it was because of the traffic education programs for the state.

REP. BERGSAGEL asked how many courses are put on each year? Mr. Bahn said that the courses were held in seven or eight locations.

REP. ELLIS asked about the instructors. Mr. Groepper assured him they are not state employees, not FTEs. They are individuals who contract with OPI and are paid based on the number of people trained. Part of the money is from OPI, part from the registration fee for the course.

REP. ELLIS asked if the same donated equipment will be used around the state. Mr. Groepper replied the donated equipment from Honda, twenty motorcycles, is used for basic rider courses. Honda, Kawasaki, Yamaha have dealer incentive programs. A dealer who donates a motorcycle that runs 100 hours in a course, can sell the motorcycle at 75 percent of cost. It is good advertisement, and a good deal for OPI. The beginner course uses motorcycles that are 350 CCs or smaller. Students bring their own motorcycle to the advance rider course.

#### Closing by Sponsor:

CHAIRMAN STANG said out of the \$80,000 spent, only part came from the motorcycle fee. Some came from donations from organizations.

#### HEARING ON HB 561

#### Presentation and Opening Statement by Sponsor:

CHAIRMAN BARRY STANG, House District 52, St. Regis, said that HB 561 was proposed by the dispatcher of his local sheriff's office. It requires the date of birth and a social security number of the applicant on a Montana Motor Vehicle Registration application. The problem is some people will not give their social security number. Departments would like to use drivers license number. The bill is endorsed by the Montana Sheriff's and Peace Officers Association.

#### Proponents' Testimony:

Dean Roberts, Administrator, Motor Vehicles Division, Department of Justice, said the division's data base is registration and drivers license. The law enforcement division needs as much information as possible as soon as a vehicle is stopped. At the present time the license plate gives registration data of the vehicle. It does not bring up the drivers license information of the person who owns the vehicle. If that person is not

necessarily driving the vehicle it will allow cross reference of those two data bases.

Opponents' Testimony: None

Questions From Committee Members:

REP. STEPPLER said he had a problem with social security numbers on registration. If the vehicle was stolen, the registration with social security number could be used for other things. Could that be taken off? CHAIRMAN STANG said he believes the bill will be amended to ask for either social security number or drivers license number.

REP. ELLIS asked if those are not the same numbers? CHAIRMAN STANG said not necessarily. Some people will not use social security numbers on their drivers licenses.

REP. LARSON said recently there are bills trying to protect the confidentiality of the vehicle owner. Now proposed legislation is putting the drivers license number on vehicle registration.

CHAIRMAN STANG said those bills were not to protect the confidentiality of registration, but of driving records. This bill will allow an officer who stops a car to get a better description of the person in that car.

REP. LARSON said he recalled access to registration records was more readily available to someone than the drivers license data. If drivers license data is put on vehicle registration, personal information is available about every driver in Montana. CHAIRMAN STANG said this deals with motor vehicle registration.

Dean Roberts said anyone can get vehicle registration information. Drivers license data from the vehicle registration is provided to law enforcement. What is given to law enforcement through the computer system is different than the public receives.

REP. GALVIN asked if it could be checked if putting the social security number out is an invasion of the privacy of information act. Mr. Roberts said the drivers license requires either/or. In Montana, the social security number cannot be demanded.

Closing by Sponsor:

CHAIRMAN STANG said there will be a couple of bills dealing with this subject. If the committee stays with this bill, it has to meet transmittal. He intends to see if this section is in other bills, and if so, this bill will be tabled and amend the other bills.

HEARING ON HB 678Presentation and Opening Statement by Sponsor:

**CHAIRMAN BARRY STANG**, House District 52, St. Regis, introduced HB 678 which was requested by the Department of Highways. The bill deals with the state motor pool and personal use of state vehicles. Currently, there are cases where the Director of Highways may allow a person to use a state vehicle for personal use if he happens to be out of town. Under current law, that cannot be allowed, and the employee must be dismissed. This bill clarifies the issue.

Proponents' Testimony:

**Jack Holstrom**, Department of Highways, is a proponent of HB 678. The purpose of the bill is to revise the laws relating to motor pool vehicles, particularly relating to uses of state vehicles. The bill makes three changes to existing law: 1) this bill allows the head of the department or agency discretion in determining whether to terminate a state employee caught using a state motor pool or state vehicle for private purposes. Presently the law provides in two separate places if a state employee is caught using state vehicles for private purposes he shall be summarily discharged from employment. Department and agency heads have had to ignore the law as it now stands because a state employee may stop along the road to pick up a newspaper or magazine for his personal convenience. He may be a 23 or 24 year state employee who has an exemplary record, and the law says that employee must be terminated. That is obviously not an equitable situation. The bill provides that the department heads have some discretion; 2) what the bill does is legitimize certain private use of state vehicles when an employee is in travel status and the use is an emergency for medical care or medicine. The employee must be in travel status, it must be for an emergency purpose, and the use must be approved by the head of the department or agency. The third thing the bill does is to change the law taking out the language "and upon conviction shall be dismissed from state employment". This is deleted because it has given some employees an argument that a criminal conviction is required before a department director can impose discipline for any sort of private use of a state vehicle.

Opponents' Testimony: NoneQuestions From Committee Members:

**REP. LARSON** asked if an employee is on the road in travel status, does it mean he can't go from the motel to dinner? **Mr. Holstrom** said the department's viewpoint, and his own in his work relating to employee discipline, is meals are permitted under the law. Employees are compensated when in a travel status, and are compensated for meal allowance. Traveling to a meal has been approved by the Legislature.

REP. ELLIS said the penalty of dismissal is removed which is understandable. It does not say what the penalty will be and it does not set up rulemaking authority. He would like an example of how Mr. Holstrom intends to handle a situation. Mr. Holstrom said the department intends to handle this on a case by case basis relating to the severity of the offense. There have been a variety of offenses over the 15 years he has dealt with unauthorized use of state vehicles, including taking vehicles to other states.

REP. NELSON asked if a state owned vehicle is used in an emergency situation would it be all right? Isn't it just common sense? Mr. Holstrom said it is common sense, but that is not what the law says now. The law states for any private use of a state vehicle the employee shall be summarily discharged.

REP. MCCULLOCH asked how giving discretion to the head of the department is different from what is done now? CHAIRMAN STANG referred to page 5, line 19 that is crossed out which is the current law that is being amended. "Other than official purpose shall be summarily removed" takes all discretion away.

REP. DEBRUYCKER asked how many people have been discharged? Is it a real problem? Mr. Holstrom said a rough estimate is the Department of Highways has probably discharged ten employees in the last five years for private use of state vehicles. The offenses were stealing gravel with state dump trucks, stealing gasoline with state pickups, etc.

#### Closing by Sponsor:

CHAIRMAN STANG said he believed the department would like to quit breaking the law by ignoring small offenses such as stopping to get a loaf of bread on the way home. This bill will clarify that.

#### HEARING ON HB 459

#### Presentation and Opening Statement by Sponsor:

REP. TIMOTHY WHALEN, House District 93, Billings, said HB 459 is a bill he had drafted in an attempt to deal with a serious problem in the state of Montana regarding uninsured motorists and the consequences of people injured by uninsured motorists. This bill does three things: (1) it doubles the amount of coverage required to be carried under the mandatory insurance act; (2) it expands the type of insurance mandated to uninsured motorist; and (3) it takes the money collected on fines collected by local governments from people who don't have required insurance coverage and uses it to compensate people injured as a result of automobile collisions where there is no insurance coverage. REP. WHALEN will ask the committee to delete the last part of the bill. If the committee considers the bill in a positive fashion, that part should be removed because feedback received from local

governments indicates losing the fine revenue will have an adverse impact on their operations. The requirement for uninsured motorist coverage assures people they are not left with medical bills and there would be compensation for disability. **REP. WHALEN'S** local insurance agent indicated the approximate cost of adding uninsured motorist coverage would be \$6 for each six months. This is an important piece of legislation because limits have not been increased for some time. The minimum is not enough to cover expenses. With more and more uninsured drivers, people should be required to have uninsured motorist coverage to have a source of funds if injured by an uninsured motorist.

#### Proponents' Testimony:

**Michael Sherwood, Montana Trial Lawyers Association**, said the association is composed of about 400 lawyers across the state. If a person or one of their family members happens to be hurt in an automobile accident, a claim is made against an insurance company and if the company will not admit liability or do not wish to pay the damages suffered, an attorney has to be retained. The attorney will be a member of the association **Mr. Sherwood** represents. Mandatory insurance liability limits have been in force since 1979 in Montana. In 1989, the property damage provision of the statute was doubled from \$5,000 to \$10,000. In 1989, **REP. BOHARSKI** sponsored a bill that the insurance floor of \$25,000 and \$50,000 be doubled. The bill failed. It has been eleven years since those floors were set. Looking at a five percent cost of living increase each year the \$25,000 floor would buy about \$14,000 in present value. This will increase a constituent's insurance rates which is long overdue. A seriously injured victim could recover his lost wages and medical bills, or perhaps recover a larger amount. It is a good time for the Legislature to review what happened 11 years ago and seriously look at raising the numbers.

#### Opponents:

**Jacqueline Terrell, American Insurance Association**, said it is not clear what this bill would encompass should **REP. WHALEN'S** proposed amendments be accepted. The American Insurance Association opposes HB 459 as originally drafted. If she understands the amendments correctly, she still opposes the legislation. Increasing policy limit requirements, as **Mr. Sherwood** indicated, will increase the cost of insurance. Insurance companies would like that because it would provide more income, but companies want to keep the costs to insured people down. The Association does not support any legislation that would increase the cost of insurance. The insured would be required to purchase uninsured motorist coverage. That coverage protects the purchaser of the policy for injury incurred through another driver who is not insured. As the law now reads, the motorist has the option to reject uninsured coverage. **Ms. Terrell** asked the committee to give the bill a do not pass recommendation.

Gene Phillips, Kalispell, National Association of Independent Insurers, Alliance of American Insurers, said at the present time, anyone who wants uninsured motorist coverage can buy it. This bill mandates people to buy something they may not want, and may not think they need. Increasing policy limits also increases cost to the insured. He objects to that additional cost without sufficient benefits to the insured. He urged a do not pass for the bill.

Dave Barnhill, Deputy Insurance Commissioner, said he opposed the bill as originally drafted. However, the insurance department would welcome the changes proposed by REP. WHALEN. The increased cost to a typical car insurance policyholder in Montana to double liability limits would be \$80 to \$90 per year per car based on information provided by the Insurance Service Office.

Roger McGlenn, Executive Director, Independent Insurance Agents Association of Montana, said in light of the amendments proposed by REP. WHALEN, his comments will be brief. In most policies uninsured motorist coverage is included in the liability package. In eight years of selling insurance, only one person rejected uninsured motorist coverage. He said "expanding the definition of an uninsured motor vehicle to include an under insured motor vehicle". In reading the bill, he does not see where that is done, and if it were to be done, there are some things the committee should consider in defining underinsured. In some jurisdictions, underinsured means if you have less than the state mandated limits. In other jurisdictions, it has been interpreted to mean negligence causing more damage than coverage carried. In regard to increasing liability limits, the independent agents take no position on mandatory limits in Montana. That is a matter of public policy for the legislature to decide. He would strongly support the amendments proposed by REP. WHALEN removing the account for judgments on uninsured and underinsured motorists. Judgments would begin accruing on the effective date of the bill and the fund would start out with an unfunded liability. He asked that the committee do not pass on this bill.

#### Questions From Committee Members:

REP. TOOLE asked REP. WHALEN to go through the amendments. REP. WHALEN said the amendments would remove the portion of the bill which sets up a fund by striking new section 1, new section 2, new section 3, new section 4 and new section 7.

REP. TOOLE asked Mr. Barnhill if cost figures would be applicable on all policies? Mr. Barnhill said there would be variation. He was assuming an average insurance policy and a driver with a good record.

REP. TOOLE asked if either lawyer on behalf of insurance companies checked with any company to get individual figures? Mr. Phillips said he did check with his association, but they were not able to provide information in time for this hearing.



Jacqueline Terrell said she had asked her client for that information. Her client would look to the ISO for that information which is where the State Auditor got information.

REP. TUNBY asked Mr. McGlenn if he felt the fact most people have uninsured is an argument for or against mandating that coverage. Mr. McGlenn said because the law required that unless rejected in writing by the person purchasing insurance, uninsured coverage is included or always offered with the package of liability protection. It may not be necessary to take it out of the law as the consumer has freedom of choice.

Closing by Sponsor:

REP. WHALEN said this is a mandatory act. The arguments of insurance companies might be to do away with the act and let people decide whether to carry insurance and to what extent. Buying insurance is like a savings account. Unless it is mandated, there is something more important to spend money on. It is clear something must be done about uninsured drivers. This bill attempts to solve the problem of people being injured and having insufficient insurance, or if drivers comply with the law but someone else does not, these persons do not lose large amounts paying for medical bills or going on the public dole.

EXECUTIVE ACTION ON HB 440

Motion: REP. CLARK MOVED HB 440 BE TABLED.

Motion/Vote: HB 440 BE TABLED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 475

Motion: REP. FOSTER MOVED HB 475 DO PASS.

Motion/vote: REP. ELLIS moved to adopt amendments.

Discussion: Ms. Lane reviewed the amendment on page 2, line 6, after (c), insert U. S. Department of Agriculture, and on page 2, line 7, strike U. S. Department of Agriculture and insert OPI.

Motion/Vote: Voice vote was taken to adopt amendments. Motion CARRIED unanimously.

Motion/Vote: REP. FOSTER MADE A SUBSTITUTE MOTION THAT HB 475 DO PASS AS AMENDED.

Discussion: REP. FELAND asked if authority had been applied for in the case behind this bill. CHAIRMAN STANG said the contract had been granted, 180 days was needed to get authority, and the contract allowed 30 or 40 days to begin hauling. The application for authority was never completed.

REP. ELLIS said according to Mr. Budt's testimony, time has

nothing to do with it. Without showing the present carrier is not doing a satisfactory job, there was no chance of getting the authority. It is a monopoly without this provision in the law.

REP. CLARK asked if there was any effort made to ask OPI to change the timing on letting contracts? CHAIRMAN STANG said OPI would be willing to change their timing. The problem then became the fact there was already a hauler doing the job requiring proof of need and necessity.

REP. STEPLER asked if OPI moved their dates, could everything be worked out? CHAIRMAN STANG said that the possibility exists.

REP. LARSON said there is a problem with a couple of the issues in the bill. One is the issue of competitiveness. There is an obligation to consumers to have a competitive bid process for the commodities carrier. On the other hand, the convenience and need and necessity question suggests if the existing carrier is doing a good job and the commodities are being delivered on time and in a timely fashion, the school systems have their need met. The competitive contract position is not being insured with this bill.

REP. ELLIS said without this provision there is no way to attack the present carrier. If that person is doing a good job and is capable of doing a good job there will be a monopoly as long as that carrier does a good job than no one can approach him for cost.

REP. GALVIN said he has problems with the bill. With the PSC regulations, everyone will be wanting a little here and there?

REP. DEBRUYCKER said it looks like competitiveness should be provided to save costs to schools. Great Falls Public Schools would save \$15,000 and in REP. DEBRUYCKER'S area, schools would save close to \$3,000.

REP. MCCULLOCH echoed REP. LARSON'S concern. In reference to a monopoly, if OPI thinks costs are too high, bids can be opened.

REP. DEBRUYCKER asked if these things are ever reviewed. REP. FOSTER said OPI can open it up and go to PSC for the question of authority. Proof that the carrier has not done an adequate job of providing service still applied. There are two different issues: 1) price: and 2) quality of service. He said that REP. LARSON'S second concern assumes that the second carrier cannot provide the service in a quality manner. That is not fair. In the worst case, the end result would be competition in the transport industry.

REP. LARSON said that the second carrier could be assumed to be capable of carrying out the contract. The contract is bid per case cost of estimated number of cases. Last year the estimated number was 120,000 and actual number was 90,000. That is a big

hit for a little trucking company at \$2.59 a case. The PSC and OPI must consider that the number of cases is not guaranteed. There is more than just price consideration, there is stability, responsibility and service. Can the big company survive the hit better than the little company?

REP. ELLIS said talk was whether another carrier was capable of doing this job, but we are not involved in that decision at all. The PSC is still going to be involved in that. This bill makes competition a factor that PSC looks at. PSC still must guarantee the carrier is able to do the job. Testimony was heard to that effect. Competition should be a factor PSC looks at to determining whether a carrier is capable of taking the bid.

REP. FELAND said this committee should not be in the trucking regulation business.

REP. TUNBY said if Watkins Shepard has things coordinated to haul more than one commodity for more efficiency, it should give them an advantage in the bidding process.

Motion/Vote: REP. STEPPLER MADE A SUBSTITUTE MOTION TO TABLE HB 475.

Vote: HB 475 BE TABLED. Roll call vote was taken. Motion CARRIED 9 to 8. EXHIBIT 12

Motion/Vote: REP. ELLIS MADE A SUBSTITUTE MOTION TO RECONSIDER ACTION ON HB 475 AND TAKE FROM THE TABLE. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. ELLIS MADE A SUBSTITUTE MOTION THAT HB 475 DO PASS.

Vote: HB 475 DO PASS. Roll call vote was taken. Motion CARRIED 9 to 7. EXHIBIT 13

Motion/Vote: Motion was made to adopt amendments. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. ELLIS MADE A SUBSTITUTE MOTION THAT HB 475 DO PASS AS AMENDED. Roll call vote was taken. EXHIBIT 14

Vote: HB 475 DO PASS AS AMENDED. Motion FAILED 8 to 9.

Motion/Vote: REP. NELSON MADE A SUBSTITUTE MOTION THAT HB 475 BE TABLED AS AMENDED.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 475 BE TABLED AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 459

Motion: REP. STEPPLER MOVED HB 459 DO NOT PASS.

Discussion: REP. STEPPLER feels the bill will do the opposite of what is intended. Section 6 doubles the liability coverage and will price more people out of the insurance market and more people will not have insurance.

REP. ELLIS said that young drivers who may already have an accident have high rates, and doubling the coverage will cause them to not have insurance.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 459 DO NOT PASS. Motion CARRIED 15 to 2 with REP. TOOLE and REP. MCCULLOCH voting no.

Motion: REP. BERGSAGEL MADE A SUBSTITUTE MOTION THAT HB 459 BE TABLED.

Motion/Vote: Question was called. Voice vote was taken.

Vote: HB 459 BE TABLED. Motion CARRIED 16 to 1 with REP. TOOLE voting no.

EXECUTIVE ACTION ON HB 494

Motion: REP. NELSON MOVED HB 494 DO PASS.

Discussion: REP. NELSON said the bill seems to be a fair thing to do.

CHAIRMAN STANG said he has listened to the bill for three sessions now, and raising the fee to \$50 was a fight. Currently, the only person controlling the programs funded by the fee is Al Goke. Programs are submitting to him and he has sole responsibility to decide whether the program is approved and who gets money. There may be attempts to amend the bill on the floor to add programs or give control to someone else.

REP. STEPPLER said he feels in many cases people are being hit who can't afford any more. A fine is in place for drunk driving, and a \$50 fee is paid to get the license back.

REP. MCCULLOCH said federal funding was to decrease, so there would be less funds.

REP. ELLIS feels the program financed through the drivers license fee is not an adequate way to deal with DUIs. A detox program is what is needed to realize the implications of the disease of alcoholism.

REP. TUNBY asked if the programs were continued, would they not

keep someone from getting very involved?

Motion/Vote: Question was called. Roll call vote was taken.

Vote: HB 494 DO PASS. Motion CARRIED 9 to 8. EXHIBIT 15

EXECUTIVE ACTION ON HB 636

Motion: REP. LARSON MOVED HB 636 DO PASS.

Motion/Vote: REP. LARSON moved to adopt amendments.

Discussion: REP. LARSON said the amendments make the language consistent that a Class D carrier cannot come in and haul garbage, but can only pick it up at the transfer site and take it to the landfill. The bill restricts where the carrier can operate. He also wanted it amended to be effective on passage and approval by limiting the pick up of garbage to the transfer sites.

Vote: Voice vote was taken to adopt amendments. Motion CARRIED 16 to 1 with REP. FELAND voting no.

Motion: REP. LARSON MADE A SUBSTITUTE MOTION THAT HB 636 DO PASS AS AMENDED.

Discussion: REP. LARSON said he believed the opponents were misinformed. This bill does not interfere with Class D authority to pick up garbage. It permits landfill operators or county and local government to contract for the removal of garbage from a transfer site to a dump. Local landfills are being encouraged to close and go to regional landfill sites. There needs to be hauling authority between the transfer site and dumps. REP. LARSON recommended to pass this bill.

REP. FELAND said the committee is getting involved in regulatory business. A government will be allowed to let someone haul garbage. Will it dilute any authorities in effect? REP. LARSON said no.

REP. STEPPLER said the Class D carrier has the authority to pick up garbage and haul it to a transfer site or a landfill. All this bill discusses is how the garbage is hauled from the boxes or transfer site to the dump. It permits the local regulatory authority to assign the contract.

CHAIRMAN STANG said if a garbage hauler currently contracts to haul garbage to a landfill, would the county be permitted to take away that authority and get someone else to do it. REP. LARSON said it could put the haul out to competitive bid. When the hauler goes to the dump, he becomes a Class C carrier and needs Class C authority from PSC.

REP. GERVAIS said is sounded like there is a monopoly in the area

REP. ELLIOTT represents.

REP. STEPPLER said as it is now, hauling garbage requires a Class D certificate. This bill says Class C certificate holders can haul the garbage from the transfer site to the dump.

REP. FOSTER said there are monopolies and it makes sense to regulate, because without regulation the price of the commodity would skyrocket. Competition will not work to the benefit of the public in those conditions. If competition will work the public will benefit. In a free market society, i.e., "exclusive clubs should be allowed to price gouge the public because we're afraid if we don't let them price gouge they may go out of business", is ridiculous.

REP. FELAND said that is why they came here. They are not going where it is regulated. They are not applying for authority where trucking is regulated. They are coming to the Legislature where people don't know the business and don't understand the regulatory business.

REP. ELLIS made a plea for competition. The state per capita income is almost a quarter below the national average and it is difficult to fund decent schools and universities. Money is scarce, but insist on no competition. He cannot understand it.

Motion/Vote: Question was called. Roll call vote was taken.  
EXHIBIT 16

Vote: HB 636 DO PASS AS AMENDED. Motion CARRIED 11 to 4.

EXECUTIVE ACTION ON HB 678

Motion/Vote: REP. TUNBY MOVED HB 678 DO PASS.

Vote: HB 678 DO PASS. Motion CARRIED 12 to 5 with REP. BERGSAGEL, REP. STEPPLER, REP. NELSON, REP. KNOX and REP. DEBRUYCKER voting no.

EXECUTIVE ACTION ON HB 527

Motion/Vote: REP. STEPPLER MOVED TO TABLE HB 527.

Vote: HB 527 BE TABLED. Motion CARRIED 13 to 4 with REP. TUNBY, REP. ELLIS, REP. LARSON and REP. CLARK voting no.

EXECUTIVE ACTION ON HB 560

Motion: REP. MCCULLOCH MOVED HB 560 DO PASS.

Discussion: CHAIRMAN STANG said the bill will take the rest of the motorcycle endorsement fee and put it into the motorcycle training account.

**REP. FOSTER** asked why is OPI running the program? **CHAIRMAN STANG** said one reason is they have the drivers training and the adult education programs.

**REP. MCCULLOCH** said Gregg Groepper spoke of pulling all traffic safety programs together, so OPI will run all of the traffic safety education programs.

**Vote:** HB 560 DO PASS. Motion CARRIED 14 to 3 with **REP. FOSTER**, **REP. CLARK** and **REP. STEPPLER** voting no.

EXECUTIVE ACTION ON HB 763

**Motion:** **REP. MCCULLOCH** MOVED HB 763 DO PASS.

**Motion/Vote:** **REP. MCCULLOCH** moved to amend HB 763 to sunset in two years and include an effective date.

**Discussion:** Ms. Lane explained the sunset means the bill will terminate in two years if the bill is not presented again.

**CHAIRMAN STANG** said he would like to see where the money goes. This will give an opportunity to put some money in the program and check it in two years.

**Vote:** Question was called. Voice vote was taken to adopt amendments. Motion CARRIED unanimously.

**Motion/Vote:** **REP. MCCULLOCH** MADE A SUBSTITUTE MOTION THAT HB 763 DO PASS AS AMENDED.

**Vote:** HB 763 DO PASS AS AMENDED. Motion CARRIED 15 to 2 with **REP. STEPPLER** and **REP. FOSTER** voting no.

EXECUTIVE ACTION ON HB 561

**Motion:** **REP. TUNBY** MOVED HB 561 DO PASS.

**Discussion:** **CHAIRMAN STANG** proposed an amendment on line 22, giving name, date of birth, and social security number or drivers license number. There are people who refuse to give social security numbers and the amendment would bring the bill into the conformity with the privacy of information act.

**Motion/Vote:** **REP. FOSTER** moved to adopt amendment. Motion CARRIED unanimously.

**Motion:** **REP. TUNBY** MADE A SUBSTITUTE MOTION THAT HB 561 DO PASS AS AMENDED.

**Motion/Vote:** Question was called. Roll call vote was taken.  
EXHIBIT 17

**Vote:** HB 561 DO PASS AS AMENDED. Motion CARRIED 9 to 8.

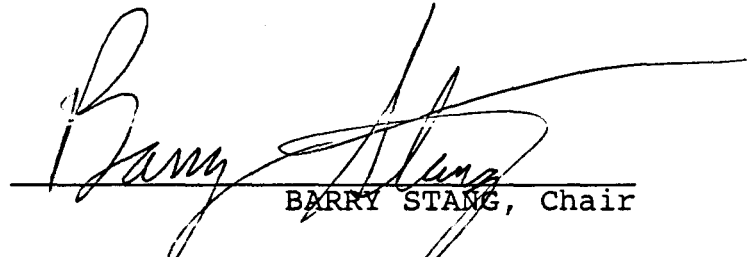
HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE


February 14, 1991

Page 24 of 24

ADJOURNMENT

Adjournment: 7:15 p.m.

  
BARRY STANG, Chair

  
CLAUDIA JOHNSON, Secretary

BS/cj



# HOUSE OF REPRESENTATIVES

## HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 2-14-91

NAME	PRESENT	ABSENT	EXCUSED
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		
REP. FLOYD "BOB" GERVAIS, V. CHAIRMAN	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE	✓		
REP. ROLPH TUNBY	✓		

CS05HWYS&T.MAN

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 494 (first reading copy -- white) do  
pass.

Signed: Barry Stang, Chairman

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 636 (first reading copy -- white) do pass as amended.

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, line 6.

Strike: "AND"

2. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 6.

Following: "district."

Insert: "The contract for transportation of solid waste with a local government or a refuse disposal district is limited to movements between a state-licensed container system program or a transfer station owned by the local government or refuse disposal district and a licensed landfill."

4. Page 3, line 5.

Following: line 4

Insert: "NEW SECTION. Section 2. [standard] Effective date.  
[This act] is effective on passage and approval."

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 678 (first reading copy -- white) do  
pass.

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

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 560 (first reading copy -- white) do  
pass.

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

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 763 (first reading copy -- white) do pass as amended.

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, lines 4 and 5.

Following: "AN ACT" on line 4

Strike: remainder of line 4 through "PROGRAM;" on line 5

2. Title, line 10.

Following: "MCA;"

Strike: "AND"

3. Title, lines 11 and 12.

Following: "MCA" on line 11

Strike: remainder of line 11 through "1989" on line 12

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

4. Page 8, line 22.

Following: "MCA,"

Strike: remainder of line 22

Insert: "is"

5. Page 9, line 3.

Following: line 2

Insert: "NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 1991."

1:15  
2-15-91  
TDB

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 561 (first reading copy -- white) do pass as amended.

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, line 5.

Following: "AND"

Insert: "EITHER THE"

Following: "NUMBER"

Insert: "OR THE DRIVER'S LICENSE NUMBER"

2. Page 1, line 23.

Following: "birth,"

Insert: "either the"

Following: "number"

Insert: "or the driver's license number"

EXHIBIT 1  
DATE 2-14-91  
HB 636

HB 636 AMENDMENT

PAGE 2

(b) 1 The contract for transportation of solid waste with a local government, or a refuse disposal district is limited to movements between a state licensed container system program or transfer station owned by the local government or refuse disposal district and a certified landfill.



EXHIBIT

2

DATE

2-14-91

HB

1036

# #1 EQUIPMENT CO.

719 North Ida • Bozeman, MT 59715 • (406) 586-7558

To: Rep. Jim Elliott  
State Capitol - Helena

Sir: I fully support the  
concept of HB 636.

I wish to be registered as  
a proponent of HB 636.  
If I can be of assistance,  
please let me know.

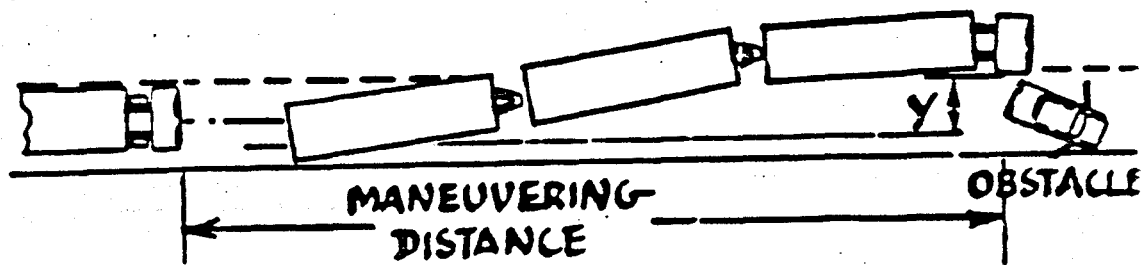
Harry Ellis

SWAY

A triple trailer truck travelling on a straight freeway on a windless day looks like a snake slithering down the road. Due to the five articulation joints, the three trailers continually sway back and forth as the truck moves forward. A road test by the California Department of Transportation found that the third trailer sometimes sways as much as four feet and occasionally encroaches into the adjacent lane of traffic. This serpentine motion is both frightening and dangerous. In October, 1989, in Colorado, the third trailer of a triple trailer truck swayed into a motorist who had had car problems and was checking his car on the shoulder of the highway. He was killed.

THE "CRACK-THE-WHIP EFFECT"

Triples have a far greater risk of overturn and trailer separation than single trailer trucks. The primary reason is that the "Crack-the-Whip Effect" is so much stronger in triples than it is in single trailer trucks.<sup>1</sup> The "Crack-the-Whip Effect" occurs when an articulated vehicle makes a sudden evasive steering maneuver such as that shown below.



<sup>1</sup> The "Crack-the-Whip Effect" is referred to as the "amplification ratio" or "amplification factor" in most engineering literature.

The "Crack-the-Whip Effect" can be best understood by picturing the movement of an actual whip. A small but rapid wrist movement applied to the handle of a whip is amplified many times as it moves through the whip. The end of the whip moves a lateral distance many times greater than the handle of the whip and comes to rest only after a violent cracking movement. The mechanics are the same in a sudden evasive maneuver in a triple trailer truck. The tractor's motion is akin to the handle of the whip. The tractor moves quickly but not a great distance to avoid an obstacle. Because of the articulation joints, however, that motion is amplified many times as it moves through the trailers and dollies. The last trailer's sideways motion is ended by a violent cracking movement. The result of this violent cracking motion is not infrequently an overturned vehicle or a trailer becoming separated from the rest of the vehicle.<sup>2</sup> The "Crack-the-Whip Effect" in a triple trailer truck is  $3\frac{1}{2}$  times greater in a triple trailer truck than it is in a single trailer truck.<sup>3</sup> Due to the vastly more powerful "Crack-the-Whip Effect" with triples, many evasive steering movements that can be performed safely by an 18-wheeler will often cause a triple to jack-knife or overturn.

<sup>2</sup> Although the "Crack-the-Whip Effect" is not as strong in twin trailer trucks as it is in triples, the "Effect" in twin 28 foot trailer trucks is still twice as strong as in single trailer trucks. Shortly after twin trailer trucks were mandated by federal law in North Carolina, state authorities found that 25% of the twin trailer accidents involved trailer separation. In Pennsylvania, authorities found that 20% of the twin trailer truck accidents involved trailer separation.

<sup>3</sup> R.D. Ervin, R.L. Nisonger, C.C. McAdam and P.S. Fancher, "Influence of Size and Weight Variable and the Stability and Control Properties of Heavy Trucks," Vol. I, University of Michigan Transportation Research Institute, 1983.

BRAKING

For trucks with brake systems which are poorly designed or poorly maintained, a truck's minimum stopping distance will increase in proportion to the increase in the vehicle's weight.<sup>4</sup> The vast majority of maintenance problems are braking problems. It is certain, therefore, that a large percentage of the longer and heavier triples, twin 48s and Rocky Mountain Doubles<sup>5</sup> will have much longer stopping distances than single trailer trucks and twin 28 foot trucks. If the current weight limit of 80,000 pounds is increased to 134,000 pounds (a 68% increase) as the trucking industry advocates, a frightening number of those trucks will have stopping distances which are 68% longer than today. If one empty trailer is combined with two full trailers (which is frequently the case), the wheels of the empty trailer are severely overbraked and the driver is apt to lose control of the vehicle.<sup>6</sup> Even if the brakes of a triple are properly designed and maintained and if all trailers are loaded or all are empty, the large number of articulation points will make it nearly impossible for a triples driver to use the maximum capacity of his braking power in a panic maneuver, particularly if the emergency is on a steep downgrade or curve. In such a situation the rig will quickly be out of control and all over the road.

<sup>4</sup> Ervin, et. al, supra

<sup>5</sup> A Rocky Mountain Double is a tractor pulling a 45 foot or 48 foot trailer and a 28 foot trailer.

<sup>6</sup> Twin Trailer Trucks, Transportation Research Board, Special Report 211, Washington, D.C. 1986.

EXHIBIT 3  
DATE 2-14-91  
HB 440

The recent tragic triples accident in Portland, a news report of which is attached, illustrates the problem. The driver drove through a pool of water that had collected on the freeway from a recent rain. He lost control, hit the retaining wall on the right side of the freeway, and then careened through the concrete median barrier and into oncoming traffic on the other side of the freeway. The rig finally came to rest spread across all lanes of freeway in both directions, killing one and seriously injuring seven. This rig was running with empty trailers, a particularly dangerous practice with multi-trailer trucks. In wet weather, hydroplaning is almost inevitable at freeway speed and hard braking will often cause brake lock-up and an uncontrollable skid.

EXHIBIT

3

DATE

2-14-91

HB

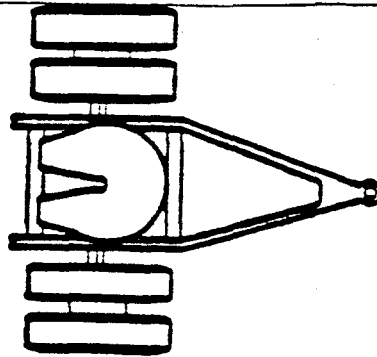
440

To: The Honorable "Spook" Stang, Chairman of the Highway Committee and members of the committee.

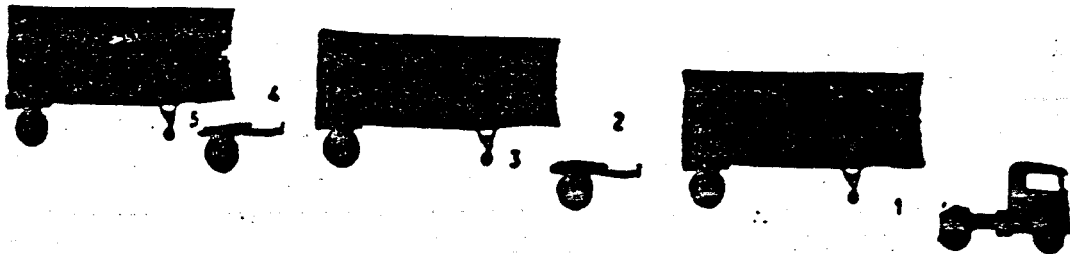
From: Jim Southworth, Representative

Re: Authorization of triple trailer trucks and twin 48-foot trailer trucks

A triple trailer truck has six separate pieces of equipment--a tractor, two converter dollies and three trailers--and five articulation joints. A converter dolly, when viewed from the top, looks like this:



The five articulation joints of a triple can be best understood by diagramming the six pieces of equipment before they are connected:



These five articulation joints greatly increase the risks of jack-knife, dangerous sway, overturn and trailer separation. The five articulation joints dramatically increase the severity of the "Crack-the Whip Effect," which amplifies forces throughout the rig.

February 12, 1991

HB 440

Ben Havdahl, Montana Motor Carriers Association

Mr. Chairman and members of the committee...for the record, my name is Ben Havdahl and I'm the Executive Vice President of the Montana Motor Carriers Association. MMCA would like to go on record in opposition to HB 440. Consideration of this bill by this committee is unnecessary and totally without good cause. There is no compelling reason what-so-ever for the banning of triple trailers on Montana's Interstate Highway system as this bill proposes to do.

First of all, for the benefit of committee members not familiar with triple trailer operations, the law grants authority to the Montana Department of Highways to issue permits for the operation exclusively on the Interstate Highway, of longer combination vehicles including a truck tractor with three 28 1/2 foot trailers, or the so called "triples" combination. I would refer you to the attached sketch of three examples of typical triple trailer combinations by United Parcel, Consolidated Freightways and a conventional tractor triple combination.

Triples actually reduce wear and tear on roads and bridges. Gross weight does not cause pavement wear - excessive load per axle does. Because triples distribute their freight load across a greater number of axles, they put less stress on the road, thus extending the highway's life. Looking at the sketches the allowable axle weights on single axles is 20,000 pounds. In all the examples on the sketch, the axle weights are considerably under 20,000.

In the second sketch showing the comparison of a truck and two trailers and a triples unit, I would point out that HB 440 would ban the combination shown in the diagram on the bottom of the page and continue to allow the combination pictured on the top. Both combinations are exactly the same length and carry the same amount of weight. The difference is that the top combination is truck body with a 28 1/2 foot long box with two 28 1/2 foot trailers. The second is a truck tractor pulling three 28 1/2 foot trailers. It does not make sense to me to pass a bill that would allow one and not the other.

The issue of allowing triples to operate in Montana on the Interstate under special permit has had a great deal of consideration by the Montana Legislature and has been given overwhelming support. Senate Bill 187, passed in 1987 authorized triple trailer operations under permit for a two year trial period. House Bill 8 passed by the 1989 session made triples operations permanent and was based on the report presented to the 1989 Legislature of operations of triples over an 18 month period in Montana from July 1, 1987 through December 31, 1988.

Page 2

The Legislature gave a strong majority vote in both Houses to make triples permanent. Triples operators have lived up to the commitment made then and are happy to have this opportunity to report to this committee on the triples operations over the past 42 months.

I would like to point out for the benefit of the committee that the Legislature, by making triples operation permanent in 1989, specified they can only operate on the Interstate Highways under special permits issued at the discretion of the Montana Department of Highways. The permits can be revoked for failure to operate triples in compliance with the law and prescribed rules and regulations.

Several carriers of general commodity freight have been operating triples in and through Montana since July 1, 1987. Many of them are represented here today, and although they do not intend to individually testify, they have indicated they will be happy to answer any questions that the committee may have.

We intend to present a single composite statement incorporating the results of the operations of triples by these carriers over the past 42 months. This approach will be more enlightening for the committee, we feel, and will avoid repetition. Eight of the carriers representing the largest users of triple combinations responded to an MMCA questionnaire that is the basis of this composite statement.

Hopefully upon hearing the testimony and answering any questions, this committee will vote, "do not pass" on HB 440.

Some thirteen carriers applied for permits to operate triples combinations on and off for the period between July 1, 1987 and December 31, 1990. (They are: ANR Freight System (up to April 1990); Consolidated Freightways; Edson Express (sold out operation); Northwest Transport Service, Inc. Electran Transport; Little Montana Transportation; Midwest Motor Express, Inc.; PIE Nationwide; Roadway Express; Transystems, Inc.; United Parcel Service; United Truck Lines, Inc.; and Yellow Freight Systems.)

For the 42 month period ending December 31, 1990, 6,209 term and/or trip permits for triples were issued to these carriers by the GVW Division of the Montana Department of Highways. In addition, some 2,926 restricted route permits were also issued. The total revenue paid the Department for the permits for triples over the 42 months of operation was \$696,070. A recap sheet of the dollar amounts is in the file.

In addition these units paid about 50% more in GVW fees than standard double combinations. I call your attention to the fiscal note on the bill reflecting a potential loss of revenue to the Highway Department of \$496,163 per year including \$119,080 in permit fees and \$377,083 in GVW fees.



Page 3

Over a four year period the total amount of revenue (permits and GVW fees) is just under \$2 million.

The eight carriers responding to the survey traveled 23.3 million miles in Montana with triples combinations over the 42 months and carried an estimated 900,000 tons or 1.8 billion pounds of freight.

For those of you that may find it difficult to relate to these big numbers as I do, 23,800,000 miles is equivalent to 50 round trips to the moon....or 4,200 round trips from Los Angeles to New York.....or closer to home, it's about 16,525 round trips across Montana from Ekalaka to Eureka, a distance of 705 miles one way....I'm not sure why anybody would want to make 16,525 round trips from Ekalaka to Eureka, but there it is....

Several of the carriers operated on a limited basis during the winter months under prescribed rules for winter operation set down by the Department and experienced little or no difficulties during that period.

Triple carriers invested funds for additional special WATS lines, installed at the Department of Highways Road Reporting Information Center. Both an intrastate and interstate WATS is line is provided with numbers reserved exclusively for triples and other LCV's use to obtain immediate road report information. Under the winter operation rules, triples are not dispatched when weather conditions are not favorable.

According to State sources of information, there were a total of eleven recorded accidents over the 42 month period involving triples. There were no injuries sustained and no fatalities. Nine of the accidents reported to the State were not required to be reported under the Federal Bureau of Motor Carrier Safety Rules. Reportable accidents under these rules are limited to those that exceed \$4,400 in aggregate damages. Only two met that requirement. The other nine could be classified as fender benders.

Relating the number of "accidents", to the number of miles driven over the 42 month period, an outstanding safety record is readily reflected. Assuming 11 accidents, as reported by the State, the accident ratio per million miles driven is .472 or less than one half accident per each million miles driven in Montana by a triples combination. When you consider the national accident frequency average for all truck configurations is 1.3 accidents per million miles, that is an outstanding record.

Page 4

For the Committee's information, we have prepared an accident recap involving triple trailers operating from July 1, 1987 through December 31, 1990. The recap indicates the date and a brief description. In addition a Memo to the Committee is included reflecting Safety Statistical Information in Montana. This information, gathered from annual reports of the Montana Highway Patrol, reflects statistics on Montana Truck/Truck Tractor Accidents.

The use of triple trailer combinations during this period did result in substantial fuel savings when compared to the fuel necessary to haul the same tonnage in "doubles" combinations. Fuel savings ranged from a high of 37.5% to 21.6% averaging to about 28% fuel savings by these carriers.

The response to the question, "did use of triples displace any drivers causing layoffs or reduction", resulted in none as stated by carriers responding. In fact one carrier indicated they increased substantially, the number of drivers. I would like to quote the comment from Yellow Freight Systems,

"When I testified in favor of triples in 1987, Yellow had 9 employees in Montana with a payroll of \$250,000. At the end of 1989, we were up to 38 employees and a payroll over \$978,000. With our recent hirings, we now exceed 50 Montana employees and over \$1.3 million in wages. The overall increase is due in part to the availability of triples and all of the recent increase is directly attributable to triples."

Five of the eight carriers indicated that substantial savings in freight charges were afforded shippers as a direct result of using triple trailers. The extra capacity resulted in larger discounts to shippers of large volume of freight and carriers used this fact as a sales tool to generate more business in these cases.

In summary the triples record of operation in the "real economic world" in Montana over the last 42 months has been extremely positive and economically beneficial to shippers, carriers and the State of Montana.

The accident record of .472 accidents per million miles of operation is outstanding. This safety record is unexcelled by any other longer combination vehicle operating in Montana. We feel the record of triples operation for the past 42 months is an excellent one and would respectfully urge a do not pass recommendation for HB 440. Thank you.

EXHIBIT 4  
DATE 2-14-91  
HB 640

Page 5

On a final note, Mr. Chairman, we would like to offer for the Committee's information the summary of the interview with CRASH, Citizens for Safe and Reliable Highways in the October 25, 1990 issue of USA Today. The questions asked and answers given by CRASH were slanted and contained information not based on the facts. We have incorporated additional information to CRASH's responses from the University of Minnesota Highway Safety Study on Triples.

I believe the Committee will be interested in the answers on page two and three of the summary in response to questions about railroad industry support for CRASH. ITEL corporation contributed \$250,000 to CRASH. ITEL is a holding company and currently has two subsidiaries involved in transportation, ITEL Rail, leases boxcars, intermodal trailers, and owns several shortline railroads. The other is ITEL Containers. CRASH's headquarters are in the ITEL building in San Francisco.

Also enclosed is a copy of a news story from Wyoming concerning the railroad industry's effort to ban triples in Wyoming, not because they pose a safety threat, but because they claim triples pose an economic threat. I wonder when the rail road industry last transported, less than car load lots of general commodities? Not for at least 50 or 75 years.

CRASH's concern regarding fatalities in longer truck combination accidents is remarkable when you consider the fact that nationally there was only one triples fatality last year and the year before that there was only one. It would seem to me that their efforts would be better spent in reducing the 689 persons killed and 2,589 injured at public and private railroad grade crossings that occurred in 1988. Thank you Mr. Chairman.

**2-14-91**

**Exhibit 5 consists of a 43-page research study of triple trailers by Howard E. Matthias PhD. The original is stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)**

EXHIBIT 5  
DATE 2-14-91  
HB 440

Abstract

Triple trailers are now authorized in eighteen states/provinces. Several additional jurisdictions, including Minnesota, are considering their approval. This paper addresses the major concerns involving the use of triple trailers on our major highways. Triple trailers do provide a strong economic reward to the trucker and the general public. Significant savings in fuel, operational costs and greater administrative effectiveness are common to the operation of triples. Road/bridge stress and wear is a major concern. Triples are longer and heavier than most vehicles and unquestionably create stress and wear. Triples, through the use of more axles and better weight distribution do create far less wear and stress than other truck configurations. Public acceptance of triples, though often negative initially, has become very accepting, once a program is in place. Triples have been found to have better braking, less splash/spray and better all around stability than other trucking rigs. Swaying of individual trailers is a very controversial topic. Most jurisdictions have not found this to be a dangerous factor. New hitching equipment, proper loading techniques and improved maintenance procedures have minimized this problem. The accident record for triples is outstanding. In every jurisdiction checked, triples are involved in fewer accidents than other types of vehicles. This can probably be attributed to the use of better drivers, better equipment, a controlled network of highways, less driving in bad weather and on fewer congested highways. Triples are regulated by a permit system. The safety record is also enhanced by the trucking industry's recognition of the potential economic rewards of such a program. This encourages compliance and cooperation. Based on the safety record, public acceptance, economic return and operational advantages, it is recommended that triples, operating under a strict, rigidly enforced permit system, be endorsed as a viable, safe form of highway transportation.

ROY M. DELONG  
Commissioner

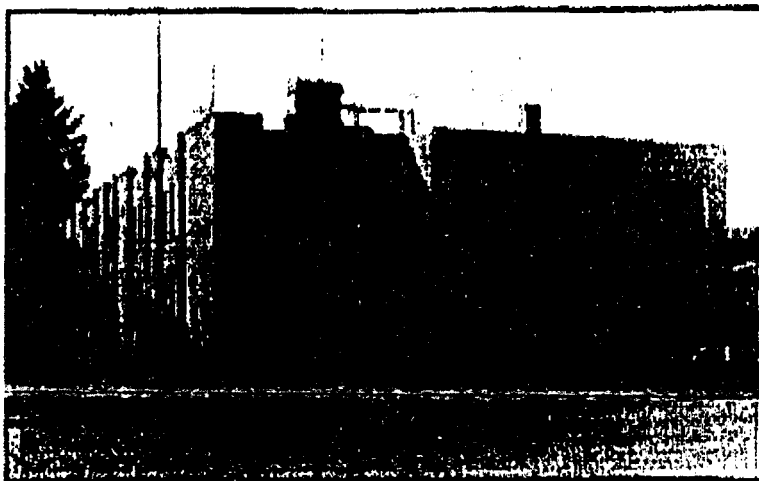
CHERIE HOOTEN  
Commissioner

NORMAN E. REBLER  
Commissioner

DIXIE VAUGHT  
Clerk & Recorder

DARLENE H. WILLHITE  
Treasurer - Supt. of Schools

PATRICIA N. FLDORIDGE  
Announcer



LISA PERKOVICH  
Clerk of District Court

ROBERT SLOMSKI  
Attorney

WILLIAM J. ALEXANDER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

# COUNTY OF SANDERS

STATE OF MONTANA

P.O. Box 519  
Thompson Falls, Montana 59873

February 14, 1991

EXHIBIT 6  
DATE 2-14-91  
HB 494

Rep. Mark O'Keefe  
House District No. 45  
State Capitol  
Helena, MT 59620

Re: House Bill 494

Dear Rep. O'Keefe:

We, of the Sanders County DUI Task Force, feel that it would be a good thing to raise the fee from \$50.00 to \$100.00. We feel that any act deserves a consequence and the first and second time offenders need to have a chance to do something about their DUI conviction. However, we find that a person who has more than one or two convictions has not been able to pay the first fee and will not be able probably to pay any other, so we must find some other way to discipline this person.

We have used our funding in many different ways in our community. We have funded extra DUI patrols for our local Sheriff's Department. We have helped fund alcohol free graduation parties for our local high school seniors in four communities. We have given scholarships for several persons to attend different workshops, who have returned and shared their findings with other groups in the county. We have helped the DARE program, have put ads in local papers, have presented non-alcohol recipes at holiday times in the local grocery stores. We are now considering signs at each entrance to our county stating our position on DUI enforcement. We have purchased some equipment for the Sheriff's office and Recovery Northwest program. We have

EXHIBIT

DATE

HB

6

3-14-91

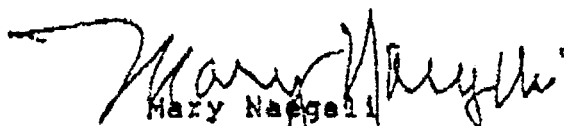
494

Rep Mark O'Keefe  
February 14, 1991  
Page -2-

presented material at several community functions and have helped fund the establishment of high school support groups in three high schools. This list is not inclusive, but does represent what we are striving to do.

Thank you, Mark, for your work on this House Bill. If we can be of further assistance, please let us know.

Sincerely,



Mary Nagell  
Sanders County DUI Task Force

MN:df

February 14, 1991

Representative Barry Stang, Chairman  
Highways and Transportation Committee  
Montana House of Representatives  
State Capitol  
Helena, MT 59620

Dear Representative Stang:

I am writing in support of HB494 "AN ACT INCREASING THE DRIVER'S LICENSE REINSTATEMENT FEE; AND AMENDING SECTION 61-2-107, MCA."

I have worked as the coordinator of the Missoula Traffic Safety Task Force for the past four years. The task force had its origin in November 1982, and focused solely on DUI related issues. The success of this community partnership approach caused the Task Force to be expanded in subsequent years to address a variety of traffic safety concerns.

The DUI component of the task force provides a coordinated drinking and driving prevention program consisting of extensive education and enforcement activities. We believe that these efforts have resulted in a dramatic reduction in alcohol-related motor vehicle crashes in Missoula County.

The task force is a community action group of over 50 volunteers representing community leaders, interested citizens, law enforcement, city and county government, the medical community, insurance industry, tavern owners, alcohol wholesalers, schools, social services and legal counsel. It has employed various strategies to reduce the incidence of drinking and driving, including support of local law enforcement efforts with training programs in DUI detection and overtime reimbursements to fund safety spot checks and DUI Enforcement Team, alcohol server training, free taxi service for impaired drivers, and providing information to target audiences about the consequences and costs related to a DUI conviction.



EXHIBIT 7  
DATE 2-14-91  
HB 494

During the 7 years of Task Force operation, Missoula has had 549 fewer alcohol-related crashes than we would have expected if we had maintained the rate established in 1983. In 1989 alone, we had a 70% reduction in alcohol-related crashes from our 1983 base year. In spite of this accomplishment, alcohol- and other drug-impaired driving continues to be a serious problem. Since 1983, Missoula DUI arrests have averaged 700 per year. The average blood alcohol concentration of persons arrested for driving under the influence is .18 -- nearly twice the legal limit.

Federal grants and revenue generated by the \$50 driver's license reinstatement fee assessed to persons who lose their license for an alcohol-related traffic offense have sustained Missoula's DUI reduction efforts for the past eight years. Federal funding for DUI countermeasure programs is being systematically reduced and will result in less proactive DUI enforcement and public information and education endeavors. Therefore, we need a funding mechanism to sustain these valuable efforts at their present level.

An increase in the driver's license reinstatement fee from \$50 to \$100 would accomplish that end. The increased reinstatement fee would place the cost of program support on program users rather than on taxpayers and maintain the ability of local community partnerships to contend with the complex challenge of reducing the incidence of impaired driving and related motor vehicle crashes.

Sincere regards,



Lonie Parson, Coordinator  
Missoula Traffic Safety Task Force

EXHIBIT 8  
DATE 2-14-91  
HB 560

TO: House Highways and Transportation Committee  
FROM: Dal Smilie, Chairman Montana Motorcycle Safety Advisory Committee  
DATE: February 14, 1991  
RE: HB 560

The Montana Motorcycle Safety Advisory Committee was created in 1989 with the passage of 61-2-402, MCA. The advisory committee is charged with advising the Superintendent of Public Instruction on motorcycle safety training. The same 1989 legislation that created the advisory committee required OPI to create a Montana Motorcycle Safety Education Program.

Currently 38 states have some sort of rider(user) funded motorcycle safety training program. Responsible organized motorcycle groups in Montana successfully lobbied through such a progressive safety program in 1989.

The 1989 legislation provided funding to OPI for the Montana Motorcycle Safety Education Program by tacking a \$2.50 per registration additional fee on Montana's motorcycle riders. The Registrars Bureau in Deer Lodge reports that there were 21,094 registered motorcycles in Montana during 1990 so the user fee should have raised \$52,735. Motorcycle registrations in Montana have been declining in recent years;

1986	27,493
1987	25,503
1988	24,710
1989	(no figures available due to computer installation problems)
1990	21,094

It would appear that the user fees available for the Montana Motorcycle Safety Education Program will continue to decrease in the near future.

The Motorcycle Safety Program has one additional source of income. It has the ability to charge an additional fee for those who take the safety course. Since the program is just starting relatively few riders have taken it. Optimistically we may see 200 students in 1991 at about \$20 for tuition each.

The Department of Justice's Highway Traffic Safety Division has allocated federal 402 A funds of about \$35,000 this year to assist in the start up of this important safety program. Administrator Albert E. Goke has stated that he does not intend to allocate further federal 402 A funding past this fiscal year. OPI's Motorcycle Safety Coordinator has stated to the advisory committee that federal 402 A funds are not very reliable and that he would like to not count on them.

The Motorcycle Safety Program has a 1990 budget of \$87,000. It cannot count on more than \$50,000 in user fees for 1991. The 1990 budget breaks down like this;

\$35,000	salary and benefits
\$ 8,000	services(instructor contracts)
\$ 4,000	supplies and materials
\$ 7,000	communication
\$11,000	travel
\$ 500	rent
\$14,000	indirect costs to OPI
\$ 2,000	repair
\$ 5,000	equipment

It is quite clear that the current user fees will not support this important safety program. How did this program get so underfunded? The original fiscal note prepared by OPI staff turned out to be optimistic about motorcycle registrations, relying on an erroneous figure of 50,000 registrations. Based on these optimistic projections OPI started the program a little early. They suffered some start up personnel problems which are now solved. The safety program needs an infusion.

HB 560 proposes to transfer motorcycle endorsement fees to the Motorcycle Safety Program. Currently OPI receives one-third of the endorsement fees and has internally shifted them to the program when necessary to prop up the program. OPI's Motorcycle Safety Coordinator has stated to the advisory committee that such legislation may be necessary in 1993. If such legislation were passed in 1993 it wouldn't provide any real income until 1994.

This important safety program will not be able to exist in any useful sense until 1994 on current guaranteed income. There would be just enough funds to keep the employees paid and to pay OPI's indirect costs without really having a program in the field. This important safety program is just beginning, lets give it a chance to get started and to save lives.



EXHIBIT 9  
DATE 2-14-91  
HB 560

• AMERICAN BIKERS AIMING TOWARD EDUCATION •

Mr. Chairman; members of the House Highways and Transportation Committee; Thank you for the opportunity to voice the concerns of Montana motorcyclists today.

My name is Jill Z. Smith, and I am the Town/Clerk and Treasurer for the Town of Plains, Montana. In addition to my involvement with Local Government in Montana, I am also extremely involved in the sport of motorcycling.

I am the Montana State representative for the Washington D.C. based Motorcycle Riders Foundation.

I'm a staff photojournalist for an internationally published motorcycle magazine based out of Beverly Hills, California.

Locally, I am an Honorary member of the Board of Directors of the Montana Muscular Dystrophy Association.

I am also the State Deputy-Coordinator for A.B.A.T.E. of Montana, which is the reason I appear before you today. For those of you who don't know, ABATE is an acronym for "American Bikers Aiming Toward Education." I hold many titles, none of which pay: motorcycling is my passion, and it is my belief that motorcyclists in Montana are firmly committed to Motorcycle Safety and Education and motorist awareness programs.

Last session motorcyclists in Montana put their money where their mouth is by asking The Montana Legislators to let us implement a program called The Montana Motorcycle Safety and Education Program. ABATE voluntarily sought legislation to increase the motorcycle license fee by \$ 2.50 per year, establishing a funding system with which to run the program. We now ask the Montana

LET THOSE WHO RIDE DECIDE

EXHIBIT 10  
DATE 2-14-91  
HB 763

Amendments to House Bill No. 763  
1st Reading Copy

Requested by Rep. Stang  
For the House Committee on Highways

Prepared by Andrea Merrill  
February 14, 1991

1. Title, line 10.  
Following: "MCA;"  
Strike: "AND"

2. Title, line 12.  
Following: "1989"  
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 9, line 3.  
Insert: "NEW SECTION. Section 10. Effective date. [This act] is  
effective July 1, 1991.



**ABATE of Montana supports all of the US troops involved in the "Desert Storm" operation. Our prayers are with our countrymen and women and we hope for their speedy return!**

# ABATE

**American Bikers Aiming Toward Education**

Winter Quarter 1991 ABATE of Montana Newsletter Vol. 5 No. 4

EXHIBIT

DATE

FILE



ABATE of Montana Helena Chapter member Dion Trahan shares the road on his way through Yellowstone Park on Nick's Roar-tooth Run the third weekend in June.

Photo by Jill Z. Smith

EXHIBIT 12  
DATE 2-14-91  
HB 475

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 BILL NO. HB 475 NUMBER \_\_\_\_\_

MOTION:

Rep Stepples Made Substitute Motion to  
TABLE HB 475. Motion Carried  
9-8

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		✓
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. JANE DEBRUYCKER		✓
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND	✓	
REP. MIKE FOSTER		✓
REP. PATRICK GALVIN		✓
REP. DICK KNOX	✓	
REP. DON LARSON		✓
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON		✓
REP. LINDA NELSON	✓	
REP. DON STEPPLER	✓	
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	9	8

EXHIBIT 13  
DATE 2-14-91  
HB 475

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 BILL NO. HB475 NUMBER       

MOTION:

Rep Ellis Made the Motion  
HB475<sup>doppgs</sup> Motion Carried 9-7

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND		✓
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		✓
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH		✓
REP. JIM MADISON	✓	
REP. LINDA NELSON		✓
REP. DON STEPPLER		✓
REP. HOWARD TOOLE		
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
TOTAL	9	7



EXHIBIT 14  
DATE 2-14-91  
HB 475

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 BILL NO. HB 475 NUMBER \_\_\_\_\_

MOTION:

DPAA  
Rep. Ellis Made Substitute Motion  
that HB 475 DPAA. Motion Failed 8-9

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND		✓
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		✓
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH		✓
REP. JIM MADISON	✓	
REP. LINDA NELSON		✓
REP. DON STEPPLER		✓
REP. HOWARD TOOLE		✓
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	8	9

EXHIBIT 15  
DATE 2-14-91  
HB 494

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 BILL NO. HB494 NUMBER \_\_\_\_\_

MOTION: \_\_\_\_\_

D-P  
Rep. Nelson Moved HB494 Do Pass.  
Motion Carried 9-8

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		✓
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND		✓
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		✓
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON	✓	
REP. DON STEPPLER		✓
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	9	8

EXHIBIT 16  
DATE 2-14-91  
HB 636

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 BILL NO. HB 636 NUMBER \_\_\_\_\_

MOTION:

DOAA

Rep. Larson Moved HB 636 DPAA.  
Motion Carried 11-4

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK		
REP. JANE DEBRUYCKER	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND		✓
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN	✓	
REP. DICK KNOX	✓	
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON	✓	
REP. LINDA NELSON		
REP. DON STEPPLER		✓
REP. HOWARD TOOLE		✓
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	11	4

EXHIBIT 17  
DATE 2-14-91  
HB \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-14-91 BILL NO. HB 561 NUMBER \_\_\_\_\_

MOTION: Rep. Tunby Motioned that  
HB 561 DPAA. Motion Carried 9-8

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN	✓	
REP. ERNEST BERGSAGEL		✓
REP. ROBERT CLARK		✓
REP. JANE DEBRUYCKER		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. MIKE FOSTER		✓
REP. PATRICK GALVIN	✓	
REP. DICK KNOX		✓
REP. DON LARSON	✓	
REP. SCOTT MCCULLOCH	✓	
REP. JIM MADISON		✓
REP. LINDA NELSON		✓
REP. DON STEPPLER		✓
REP. HOWARD TOOLE	✓	
REP. ROLPH TUNBY	✓	
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓	
TOTAL	9	8

2/14/91

Proper

I vote no on ~~HB 475,~~  
~~HB 440,~~  
HB 636

I vote yes on HB 309, 352,  
494, 459, 560,  
561, 628, 763

I have no vote at all on any amendments  
I appoint Scott  
Metallisch to vote my  
proxy this day, 2/14/91.

Prood Loh

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

1 of 2

Highways COMMITTEE SP BILL NO. HS 636  
DATE 2-74-91 SPONSOR(S) SP

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<del>Frank Regier</del> Trout Creek	Sanders Co. Refuse District	X	
FRANK CRAWLEY	MT. SOL. WASTE CONTR.		X
Steve Wenzel	MT SOL Waste Contr		X
David Johnson	BFI		X
Terry Kelly	Evergreen Disposal		X
SCOTT J. ORR LIBB <sup>9</sup>	S.J. ORR SERVICES		X
Terry Chamberault	T & R TRUCKING		X
Henry A. Hoge	Wes Fuel Garbage Inc.		X

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Leeway COMMITTEE HB636  
DATE 2-14-91 SPONSOR(S) Rep. Elliott

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Shelly Laine</i>	<i>City of Helena</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

1 of 2

Highways COMMITTEE BILL NO. HB 440  
DATE 2-14-91 SPONSOR(S) Rep. Southworth

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Stan Newman</u> 526 FOX DR. Great Falls	Consolidated Freightways		X
<u>Max Nizely</u> Billings, mt 273 Quietwater	Consolidated Freightways		X
<u>Joseph Polizzi</u> 316 Pennsylvania Ave Wash DC 20003	UPS		X
<u>Larry W. Larson</u> Box 50824 Billings MT 59105-0824	CF		X
<u>Ren Bayer</u> 110 Grandview Butte, mt	CF		X
<u>John R Rice</u> 18 Bittersweet Butte MT	yellow Freight System		X
<u>Lorrie Parson</u> 3701 Stephens Missoula	<del>Missoula Traffic Safety Task Force</del>	X	
<u>Steve R</u>			
<u>Bent Hansen</u>	MT. Motor Carriers Assn		X
<u>LOYD ANDERSON</u>	MSCA	X	
<u>Helen McKnight</u>	MSCA	X	
<u>Lou Eckel</u>	MSCA	X	
<u>Brad Dagg</u>	NW Transport		X
<u>Dave Dett</u>	DOH		X

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

2 of 2

COMMITTEE

BILL NO. HB 440

DATE \_\_\_\_\_ SPONSOR(S) \_\_\_\_\_

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Chet Kurrey</i>	<i>MSCA</i>	<i>X</i>	
<i>Jim Jensen</i>	<i>MEIC</i>	<i>X</i>	
<i>Clyde Dales</i>	<i>MSCA</i>	<i>X</i>	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Lewis COMMITTEE BILL NO. HB 494  
DATE 2-14-91 SPONSOR(S) Rep. O'Keefe  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Barbara May PO Box 1723 Helena MT 59624	Lewis & Clark Co. STOP-DUI Task Force	X	
Dick Liffin 106 4th Ave. E. Helena MT 59701	Helena County DUI Task Force Chairman	X	
Albert Goffe High Traffic Safety	Dep. of Justice	X	
Leonard Wortman	Jeff. Co. DUI Task Force	X	
Dale J McMeekin 1430 Mustang Hill	Lewis & Clark DUI Task Force	X	
George McCauley 3701 Stephens	Helena D.V.E. Steering Com.	X	
Lonie Parson Nels	Missoula Traffic Safety Task Force	X	
Dale R. Arkich	Yellowstone Co. DUI Task Force	X	
Dianne Stanley	Coordinator, Yell. Co. DUI Task Force	X	
Liamson H Clark	Flathead Co DUI Task Force	X	
Ken Anderson	Flathead Co. DUI Task Force	X	
Jim Nugent	City of Missoula	X	
Beverly J Bragg	Flathead Co DUI	X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Livray COMMITTEE HB 560  
DATE 2-14-91 SPONSOR(S) Rep. Stang  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DAC Smith Helena	American Motorcyclist Assn	—	
Jill Smith PLAINS	ABATE OF MONTANA	✓	
Linda Ellison	MT Trail Vehicle Riders Assn	—	

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**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

DATE 2-14-91 SPONSOR(S) Rep. Stang COMMITTEE Always BILL NO. HD 16

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HOUSE OF REPRESENTATIVES  
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Highways COMMITTEE HB 678  
DATE 2-14-99 SPONSOR(S) Rep. Long  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Jack H. Hester</u>	<u>Atty. Gen. Hester</u>	<u>X</u>	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Heavens COMMITTEE BILL NO. HB 459  
DATE 2-14-91 SPONSOR(S) Rep. Whalen

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Shelly Laine</u>	<u>City of Helena</u>		<u>X</u>
<u>Steve Browning</u>	<u>State Farm Insurance</u>		<u>X</u>
<u>ROGER McGLENN</u>	<u>INDEPENDENT INSURANCE AGENTS ASSOC. of MT</u>		<u>X</u>
<u>Dave Barnhill</u>	<u>Insurance dept.</u>		<u>X</u>
<u>Michael Sherwood</u>	<u>MTL A</u>	<u>X</u>	
<u>Jim Nugent</u>	<u>City of Missoula</u>		<u>X</u>
<u>Joey Kelly</u>	<u>Kalspell (Evergreen disposal)</u>		
<u>Joergeline N. Terrell</u>	<u>Am. Insurance Assoc.</u>		<u>✓</u>
<u>GEORGE PHILLIPS</u>	<u>ALLIANCE AMER IN- NAT. ASSOC IND. INS</u>		<u>X</u>

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