

## **MINUTES**

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

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

**Call to Order:** By **CHAIRMAN BARRY STANG**, on February 19, 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.

#### **EXECUTIVE ACTION ON HB 680**

**Motion:** REP. LARSON MOVED HB 680 DO NOT PASS.

**Discussion:** Ms. Lane distributed draft copies of the House Joint Resolution. **EXHIBIT 1**

**CHAIRMAN STANG** said he talked with the sponsor, **REP. LEE**, of HB 680. **REP. LEE** realized that it probably wasn't a wise thing to try to close Highway 35, between Polson and Columbia Falls, to truck traffic. **REP. LEE** proposed that the committee draft a resolution that will address some of the problems. The resolution is to work cooperatively with the users to develop local and regional safety programs to enable the full use of the highway for safe transportation. **CHAIRMAN STANG** said it is too late to submit the House Joint Resolution, unless there is a two-

thirds vote on the floor of the House to suspend the rules, it will die.

REP. LARSON said the problem with the bill and as it was pointed out in the last committee hearing, it isn't the truck drivers, but the private automobiles that are a hazard to the children.

REP. TOOLE said he is in favor of the bill. The road is narrow and has a lot of curves in it. There are trees right up to the edge of the road and this time of year, it has a lot of icy patches and is a hazard for any kind of traffic.

REP. FOSTER called the question. Voice vote was taken. Motion CARRIED 16 to 1 with REP. TOOLE voting no.

Motion/Vote: REP. BERGSAGEL MADE A SUBSTITUTE MOTION THAT HB 680 BE TABLED.

Vote: HB 680 BE TABLED. Motion CARRIED unanimously.

Motion/Vote: REP. MCCULLOCH made the motion to consider the House Joint Resolution that was drafted by REP. LEE and Ms. Lane.

Discussion: REP. FOSTER said it was his understanding that the parties involved were willing to work together on this matter, and asked if they didn't have this resolution, would they actually carry it through. CHAIRMAN STANG said that Dave Galt from the Highway Department, assured him that the department would be willing to work towards this problem, but they might not have the money to build the signs. If they could design the signs, and the trucking association and the Wood Products Association help pay for the them.

CHAIRMAN STANG asked Mr. Galt to comment on the building of the signs. Mr. Galt said they would be willing to work with the truck companies. If the department is responsible for the building of the signs, they would like to design the sign and message. He said the department thought that 3 signs would be sufficient to cover that road at a cost of \$13,000. He distributed a letter from the department that states their position. EXHIBIT 2 He suggested the trucking industry look into advertising on billboards, it would be cheaper.

REP. FOSTER asked Mr. Galt if the trucking industries were willing to pay the \$13,000 for these signs. Mr. Galt said he had spoke with them, and felt they could.

REP. MCCULLOCH asked what the message would be on the signs. Mr. Galt said the signs would read: Highway 35; list the school bus hours; and truckers be advised to take alternate route. He said the department is nervous about demanding the truckers take an alternate route, but do need to make them aware of the school bus hours.

CHAIRMAN STANG suggested that a letter be written to the Highway Patrol from the committee, stating it is a problem in that area and ask if maybe they could spend more time patrolling that highway.

REP. NELSON said it was a good idea to have the letter written, rather than work on this resolution.

REP. STEPPLER called the question. Voice vote was taken. Motion FAILED with REP. TOOLE, REP. TUNBY, REP. MADISON and REP. GALVIN voting yes.

REP. NELSON made a motion to have a letter drafted and sent to the Highway Patrol. Question was called. Voice vote was taken. Motion CARRIED unanimously.

#### HEARING ON HB 557

#### Presentation and Opening Statement by Sponsor:

REP. BOB REAM, House District 54, Missoula, said this bill is a result of a constituent, Louis Elliott, who was a prisoner of war (POW). He has been buying his own license plate with his POW number. When he went to renew his license plate that he has been purchasing under the disabled veterans statute. He was told he could purchase the disabled license plate for \$5 or buy the POW plate at a regular fee. This bill clarifies in section 1, the vehicle owner that meets the criteria in subsection 1 regarding prisoner of war criteria and in MCA 61-3-451, which is section 2 of this bill, must receive the plate provided for in section 1.

#### Proponents' Testimony:

Rich Brown, Administrator, Montana Veterans Affairs Division, said for years, the counties across Montana have allowed for 100% service connected disabled veterans, the option of paying fees pursuant to title 61-3-451, and if they decided on a different license plate, to either pay the additional costs, i.e., an addition \$25 would secure them a personalized license plate, or their option to choose another plate, e.g., POW or the handicap license plate. This procedure has allowed 100% service connected disabled veterans who wish a personalized license plate to utilize the benefit that has been given them under this title. Without the requirement of noting their disability to the entire state of Montana. The county procedure allowed 100% service connected disabled veterans the recognition as former POWs, rather than disabled veterans, and allowed those that are physically impaired veterans the ability to choose the internationally recognized handicap symbol rather than the DV plate. For the physically impaired, it meant if they were able to travel to another state or Canada, they did not risk a parking ticket with the internationally recognized handicap plate, which is not the case with the DV plate. On November 15, 1990, the Attorney General's office issued an opinion noting that 100%

disable veterans wishing to qualify for the tax exemption that the Legislature granted, had no options under the law and must take the DV plate or pay full taxes. He has had numerous complaints from the veterans, who have just found out this new strict opinion when trying to purchase their plates. A request has been sent to the Attorney General's office asking to change or hold of the opinion has been answered with an regrettable no. If Legislature passes HB 557 into law, it will restore for Montana's 100% veterans, the option the counties have given them for years. In his professional opinion, it will restore the Legislature's original intent if this legislation is passed. He said on behalf of the approximately 600, 100% disabled veterans, they wished to thank the committee and REP. REAM for their consideration on this issue. EXHIBIT 3 He urged the committee for passage of HB 557.

Dick Baumberger, Disabled American Veterans, stated his strong support for HB 557. He said the fiscal note shows there is no cost for this request.

Hal Manson, American Legion of Montana, urged the committee to concur on HB 557.

Walt Wheeling, Big Sky Chapter of POWs, said he was a POW in the same prison camp as Louis Elliott. He urged the committee's support for HB 557.

George Poston, United Veterans of Disabled Veterans, said he is in favor of HB 557.

Dean Roberts, Administrator, Motor Vehicle Division, said the division concurs on this bill. He said the law was unclear, and this bill clarifies it.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

REP. REAM urged the committee for passage of HB 557.

EXECUTIVE ACTION ON HB 557

Motion: REP. TUNBY MOVED HB 557 DO PASS.

Motion/Vote: REP. NELSON called the question. Voice vote was taken.

Vote: HB 557 DO PASS. Motion CARRIED unanimously.

HEARING ON HB 736Presentation and Opening Statement by Sponsor:

REP. BRUCE MEASURE, House District 6, Kalispell, said this bill is an act establishing a local voluntary bicycle fee, and appropriating a portion of the gasoline license tax proceeds for matching recreational pathways. He said \$200,000 is already appropriated to build the recreational trails. What they want to do, is for the communities that wish to participate in the planning process for these paths to raise some of the money on their own through the voluntary bicycle license fees and apply for matching funds from the state.

Proponents' Testimony:

Stan Watkins, Flathead Area System of Trails (FAST), said they have been working on this type of legislation. They have found through research at the federal government level, and with President Bush' new highway bill, that there are a few dollars appropriated for this type of thing at the federal level. In order to use that money, an extensive study is done to prove their worth, or money from the communities or state level, than the federal government will match it. The small amount of money raised locally could turn into 3 or 4 times that amount if the state and federal government matched the amount raised. This is all voluntary and not mandated. The communities can set up their own programs. There are schools in the rural areas on the roads and highways and do not have any trails or bike paths, and this can be done with these funds.

Rod McNitt, Montana Environmental Information Center, said that bicycles are becoming a serious means of transportation for a number of people around Montana. He said Triple A took a survey last year, and most car trips were less than 3 miles round trip. If there was a better bike system, especially around the towns, there would be more people riding bicycles. By voting for more increased alternative transportation like bikes, a statement would be made that there be no increased drilling in the wilderness areas, and a lot less need for situations like the Persian Gulf. He urged the committee to pass HB 736.

Wayne Kruse, Missoula Bike Club, said they have 300 plus members in the bicycle club. He stressed how important bicycles are becoming in the communities and the need for safe trails. He urged a do pass for HB 736.

Linda Lee, Montana Audubon Legislative Fund, said that funding for recreation pathways is something every state should be considering if they already haven't. EXHIBIT 4

Opponents' Testimony:

Bill Salisbury, Department of Highways, said his opposition is

mostly technical. Diversion of highway funds need a 3/5 majority vote in the House and Senate to pull the money out for non-highway funds. The highway trust fund is spending \$20 to \$25 million more per year than what they are bringing in. He said some action will have to be taken in the 1993 Legislature to deal with this issue once the Federal Surface Transportation Act is decided. The department already programs \$200,000 per year for sidewalks and bikepaths throughout the state on there various projects. He said the department has plans for the next 5 years to spend approximately \$1 million on sidewalks and bikepaths.

Questions From Committee Members:

**CHAIRMAN STANG** said he carried HB 99, which deals with the extending of the shoulders to be used for riders on the highways. In the testimony on that bill in the Senate, a group called Bike Centennial, wanted the requirement taken out of the bill that required the bicyclist to use bike paths adjacent to roadways, because 78% to 80% of the accidents that occur with bicyclist, happen on the bike paths. Why is there a need for more paths if the bicyclists do not want to use them. **Mr. Kruse** said they are looking at bicycle paths that are not adjacent to the highways or roads.

**CHAIRMAN STANG** asked **Mr. McNitt** the same question. **Mr. McNitt** said that the bill is broad enough that it will allow for the development of safe routes, and that is what the Bike Centennial group was talking about. They want money put forward to develop the routes that are actually a part of the road. Places in California and Seattle have specific lanes designated for bikes that are well marked and have signs. This bill would allow for that broader interpretation of bikepaths to include safe routes as well.

**CHAIRMAN STANG** asked **REP. MEASURE** if it was his intention with this bill to not build bikepaths next to highways and build these trails that are away from the roads, or will this bill allow them to build the paths next to the highways. **REP. MEASURE** said it is his preference to build the paths off the highway, because the group he is involved with wants to build a path off of an abandoned rail line. The bill does not determine one way or another whether it be adjacent to an existing highway or a safe route. He thought it would something for the local communities to decide.

**CHAIRMAN STANG** said the committee had a bill for the four-wheelers, and because they have gas tax, the committee agreed they were entitled to used the paths. For every \$1 or \$10,000 that is taken out of the RIT, how much does it cost the state in federal funding and bonding. **Mr. Salisbury** said approximately \$4 for every \$1. The department matches about a 4:1 ratio. Every \$10,000 the department doesn't have to match federal funds would mean \$40,000 in federal funds. He said the bonding program is already completed, the only requirements he knew of was the

department is required to maintain  $2\frac{1}{2}$  times their coverage, which means they have to have a revenue string  $2\frac{1}{2}$  times larger than what the outstanding payment for the bonds are. He didn't think this would effect that ability. The bonds always have first priority on the paying of highway revenues.

Closing by Sponsor:

REP. MEASURE said the Highway Department has been very responsive in dealing with his group. One of the federal funding mechanisms, allows for certain percentages to be used for highway adjacent bikepaths. He said this bill could solve interurban transportation problems. If the Highway Department were to participate outside of their highways boundaries, it would solve some of the congestion problems.

HEARING ON HB 867

Presentation and Opening Statement by Sponsor:

REP. BOB GILBERT, House District 22, Sidney, said this is an act to grant the Public Services Commission (PSC) regulatory service over all roads in the state. He said this bill is changing, it doesn't do what he wanted. An amendment was drafted that corrects it. EXHIBIT 5 In most states, the PSC has regulatory authority over regulated motor carriers on all roads in the state. If a person is a regulated motor carrier hauling commercial or private commodities, is regulated on all roads, i.e., county. Montana only has this authority for public roads. If there is economic regulation, than the PSC should have the authority to follow that on all roads.

Proponents' Testimony:

Curt Laingen, Montana Motor Carrier's Association, said he is in support of HB 867.

Opponents' Testimony:      None

Questions From Committee Members:

REP. LARSON asked REP. GILBERT to expound on the private roads he wants regulated. REP. GILBERT said it would effect all roads only for regulated commodities, i.e., agricultural, sand and gravel are not regulated commodities.

REP. FOSTER asked Dave Burchett from the PSC what their feelings were on this. Mr. Burchett said the commission does not have an official opinion.

Closing by Sponsor:

REP. GILBERT thanked the committee for a good hearing, and urged their support on HB 867.

HEARING ON HB 570Presentation and Opening Statement by Sponsor:

REP. JIM RICE, House District 43, East Helena, is an act to revise various driver licensing statutes. Sections 1 and 3 of the bill authorizes the Department of Justice to do an investigation upon receiving a complaint about someone's ability to drive. When someone receives a complaint about a person who is an unsafe driver, they are forced to issue that person a notice and demand a re-examination to re-take the driver's test. It can be traumatic for most people, and this bill ask for the opportunity to see if they can make a determination without the necessity of sending a notice and demanding the person come to the driver's station. Section 2 re-clarifies the liability statute in response to a Montana Supreme Court statute in regard to minors who are issued driver's licenses. Section 4 addresses the departments procedures in regards to convictions of people that are from out-of-state.

Proponents' Testimony:

Peter Funk, Attorney General's Office, said the four bills that REP. RICE has before the committee today are clean-up bills in four separate areas of the department. This bill deals specifically to the issuance of driver's license. Sections 1 and 3 allows people, i.e., Doctors, to write notes to the department when there is a concern about someone's driving ability based on their physical condition. The department does not want to be limited to giving these people a driving examination, e.g., a seizure disorder that is controlled by medication. The statute as currently written when medical information is received about someone, a card is sent that asks that person to come in for a driving test. Most of the time more information is needed from the Doctor and not give a driving test. The two sections allows the department the ability to either give the driver's examination or acquire more information from the Doctor. Section 2 addresses the process by which an adult consents to the licensing of a minor in the state. A teenager cannot receive a driver's license without the consent of an adult. The current statute says "to any adult who signs the driver's license", is liable if that teenage driver gets into any trouble. There isn't any anticipation in the existing statute for divorces with joint custody. With divorce rates reaching 50% in this society, the department is dealing with divorced parents that have joint custody. A signature is required of both parents, and when there is a case of joint custody it creates a problem. He said divorced parents should not be forced to deal with an issue like this. This bill identifies an adult who is financially responsible for that teenagers behavior. The signature of one parent is required or whomever has legal custody. On page 3, the language conforms to a 4 year old Montana Supreme Court case. It states that whenever a minor is involve in an automobile accident and liability insurance is in effect, the people that signed that



minor's application for a driver's license will never be held reliable. By inserting the language in subsection 2, lines 9 through 12, and deleting the language in subsection 3, it will do 2 things: 1) included the liability shield; and 2) let the department know when they could accept the signature of one parent as opposed to both parents. The language in section 4 states that when an out-of-state residence commits a traffic offense in Montana, and the department receives a report from the sentencing court, this bill will allow the department to send a copy of that report to the non-residence home state. The offenders would still go before the local Justice of the Peace, etc. to receive their sentences. When that report of conviction arrives at the department, instead of suspending a persons privilege to drive, let the state of residence do the sentencing.

**Rich Brown, Administrator, Montana Veteran's Affairs Division,** said he supports HB 570. The division is finding it difficult under current law to get the signature of both parents when one of the parents is in Saudi Arabia or Iraq.

Opponents' Testimony:       None

Questions From Committee Members:

**REP. ELLIS** asked if the department also receive reports of blood levels of drugs. **Mr. Funk** said he has never seen that situation. There is a statutory provision which states in terms of driver's license being denied to someone that is an habitual drug addict.

**CHAIRMAN STANG** asked if a report is received from a Doctor to revoke the license of a senior citizen, can the license be automatically be taken away or can that person petition to make the department give them a test. **Mr. Funk** said a letter is written to ask that person to either submit to a driver's examination or if the condition was reported as a medical situation, than they would ask that person to submit a Doctor's statement. If they do not provide this information in a 30 day period they will be informed that their license will be suspended. **CHAIRMAN STANG** asked what the current law is for the parent who is liable for their child versus what this bill will do. **Mr. Funk** said he didn't think there was any difference. All this bill does is recognize that only one person needs to sign instead of two. If there is only one signature on the application, that person will be responsible, if there are two signatures, they would both be responsible. The statute does not say parent, it says the person signing the application is responsible.

**REP. STEPPLER** wanted to know what happened to patient/Doctor confidentiality, without the patient's consent, can the Doctor report this. **Mr. Funk** said an argument could be made with the statutory provision to create some kind of an exception. He said they do not receive a large amount of these requests, but the ones they have received are detrimental enough that the Doctor

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felt it needed to be done. REP. STEPLER said once the reports are in the department and in the computer, would those reports be available to all who access those records. Mr. Funk that is not the case here. There is a listing in the statute about what constitutes a driving record. It is a different sort of identifying information that is actually included on the driver's license, records of convictions, and suspension actions.

Closing by Sponsor:

REP. RICE wanted to clarify a couple of points on confidentiality: 1) there is a statute on the books now that is not included in the bill that states when a Doctor diagnosis's a condition that would impair a person to safely operate a motor vehicle, he can voluntarily report for that person. He said there is a section that gives the Doctor immunity from liability for reporting that information, except as the statute states for damages occasion by gross negligence. The report is encouraged under state law, but is not mandatory under state law. He said it would be fine with the department for the committee to define where they want the liability to fall for the teenager drivers.

HEARING ON HB 571

Presentation and Opening Statement by Sponsor:

REP. JIM RICE, House District 43, East Helena, said this bill addresses the habitual traffic offender portion of the Motor Vehicle Law. Sections 1 and 2 are technical changes and does not change the law. The main part is section 3, which increases the administrative penalty for operating a motor vehicle while a person's license are suspended, i.e., declares a person as a habitual traffic offender. Administratively, the only thing that can happen now, is another 2 points are added to the cumulative total. This allows the penalty for a revoked license to be extended for an addition 1 year.

Proponents' Testimony:

Peter Funk, Attorney General's Office, said this bill is designed to deal with the habitual traffic offenders. These are people that accumulate statutory definition points, which is 30 conviction points in a 36 month period, i.e., 3 DUI's, 10 points a piece. A lot of speeding tickets at 2 and 3 points will do it. This bill is a cleanup of a few minor changes in the existing statutes. In sections 1 and 2, it states that the statutory provision allows for this person to go through a driver's improvement program, and then issued a probationary license pending the completion of their original period of suspension. In the habitual traffic offender context, the existing language says these peoples license will be revoked for 3 years. In section 2 is the language that states, may not be issued a license to operate a motor vehicle in this state until a period of 3 years has passed. These statutory provisions are

inconsistent. In one provision, if a person has been revoked for 3 years, and sits out 12 months of that 3 years, that person can apply for the program. If they attend regularly and complete the program they will receive a probationary license. This bill is to create a recognition with the court system in the state that these people upon completion of the program can receive a probationary license. If the court doesn't want a person to have a license at all in that three years, it has to be in the court order. Section 3 makes punishment consistent. There is a statute in the Motor Vehicle code which currently says if any person's license is suspended or revoked and they are caught driving the Motor Vehicle Division can add on a life period of suspension or renewal. If a person is an habitual traffic offender, and is caught driving while being an habitual traffic offender, there is no existing language that states the revocation period should be extended. Section 4 is the repeal of the bill. This particular statutory section dates from a time when the lower courts of Montana did not have jurisdiction over high misdemeanors. The department has been asked three times to write an Attorney General's opinion on what this section of the law means. He said after the courts were given high misdemeanor jurisdiction in 1985 or 1987, this section of the law does not mean anything anymore. He said in his personal opinion that this section is the most incomprehensible sections of Montana law that he has ever seen. He has a draft on the Attorney General's opinion that is waiting to be released that basically states that everyone should ignore this statute.

Opponents' Testimony: None

Questions From Committee Members:

REP. TOOLE asked Mr. Funk what is in 61-2-302 that is cross-referenced. Mr. Funk said that statute creates the driver improvement program. The program allows to give the habitual drivers a break.

Closing by Sponsor:

REP. RICE thanked the committee for a good hearing and urged their support for HB 571.

#### HEARING ON HB 572

Presentation and Opening Statement by Sponsor:

REP. JIM RICE, House District 43, East Helena, said this bill changes the commercial motor vehicle operation licensing statutes to do such things as to allow lifetime suspension of a commercial operator's license, and reduces the blood alcohol content from .04% down to any amount of blood alcohol. He said the committee does not have a choice, but to approve passage of this bill, because it is a federal requirement. He distributed information from the federal government regarding an audit on Montana's Motor

Vehicle Program. **EXHIBIT 6.** The letter states that Montana law is inefficient and does not meet federal guidelines. If Montana does not comply with this federal law by April 1992, they will lose 5% of the federal highway funds, and 10% in each succeeding year of the total federal highway funds.

**Proponents' Testimony:**

**Peter Funk, Attorney General's Office,** distributed information. **EXHIBIT 7 and 8.** Exhibit 7 shows the penalty of non-compliance of federal law in the withholding of federal highway funds. Exhibit 8 is a set of amendments to the bill as drafted. The department had problems with the bill because it was drafted in Missoula instead of Helena. The amendments do not change much, some time periods, etc.

**Curt Laingen, Montana Motor Carrier's Association,** said he strongly supports HB 572.

**Roger Tippy, Wine and Beer Wholesale Association,** said the bill needs to be supported for the federal reasons. Severe and restrictive measures are in the federal penalty. **EXHIBIT 9** Mr. Tippy requested a clarifying amendment. On page 5, line 16, states that the commercial vehicle operator while operating a motor vehicle, this is not stated in subsection 2. He wants to add after "body" and insert "while operating commercial motor vehicle".

**Opponents' Testimony:** None

**Questions From Committee Members:** None

**Closing by Sponsor:**

REP. RICE said he did not have an objection to the amendment offered by Mr. Tippy. He urged the committee to support HB 572.

**HEARING ON HB 573**

**Presentation and Opening Statement by Sponsor:**

REP. JIM RICE, House District 43, East Helena, said he is going to let Peter Funk explain the bill and what it does.

**Proponents' Testimony:**

**Peter Funk, Attorney General's Office,** said this bill was before the committee last session, but it did not pass. There is a definition of conviction in the Motor Vehicle Code, that is completely unique in defining the phrase. The language in the bill that needs to be deleted is the term "conviction shall mean a final conviction". He said there is so much legal time is spent wrangling over what the meaning is of "final conviction". In one instance, it can mean when the Supreme Court is through

with a case, i.e., when someone receives a speeding ticket, it cannot be counted for points until it has been appealed to the Supreme Court, which is the final resolution of the case. What is willing to be conceded before the defense bar, is when someone in this state receives a deferred sentence, it is impossible for the attorneys to argue that the person has been "convicted". Most people that kill someone in a motor vehicle are charged with negligent vehicular homicide. Most people in this situation are first time offenders before the capital justice system. Because of this, when someone pleads guilty, there is a deferred imposition of sentence. This leaves the department to keep track of all minor traffic offenders, and when someone is guilty of negligent vehicular homicide and receives a deferred sentence, it cannot be counted unless it goes to the Supreme Court. He gave an instance of a woman from California who had an immediate family member killed in Montana in Lake County by a drunk driver. With the current language, the drunk driver does not have any record in the agency. There is no notation in this person's driving record that states that this happened because of the phrase "final conviction". This bill will change that to be able to count those offenses when someone receives a deferred imposition sentence. When a person has fulfilled a time period and has demonstrated that their record is clean, there should be a record of that. The insurance agencies should know who kills victims with cars, and victims should have access to that information.

Opponents' Testimony:       None

Questions From Committee Members:

REP. TUNBY asked why this bill failed last session. Mr. Funk said it was his opinion that it was a realization of the Judiciary Committee that his department would count the deferred imposition of sentence, and evidently didn't think that was something that should be done.

REP. STEPPLER asked if once this term is defined in this section, can it be used in reference to all other laws. Mr. Funk said the introductory language that is included in the existing statute defines the meaning of this definition of conviction for the Motor Vehicle Code. He said if this goes outside of the Motor Vehicle Code, Title 61, he didn't think there was any rational way which someone could argue for purposes of title 60 that they should operate under this definition because of that introductory language. REP. STEPPLER asked if this bill passes in this committee this session, will the department come back next session and want it allowed for other sections of the code. Mr. Funk said he isn't aware of other convictions which prohibits the counting of deferred imposition of sentence. The criminal justice information network that exist within the state, operate off of title 45, definition of conviction which they are asking to be inserted in this bill. He has never seen another definition of conviction in the code that includes this "final

conviction" language. If this committee asked to change this language and make it consistent with title 45, and there is another definition in the code, that says "final conviction", it would allow someone to come in and point to this committee's action, and say they want their language changed to. If the language is going to be defined for conviction for purposes of record keeping, it should be defined consistently throughout the code.

**Closing by Sponsor:**

REP. RICE said there is a big difference of what happened in the session in 1989 and the status of this bill now. After this bill was killed last session in the House Judiciary Committee and the House Floor did pass a subsequent bill in regards to deferred imposition of sentence in the criminal code, which allows information about convictions to be received and collected by the department. The information can now be collected on all other deferred sentences on all other crimes except the traffic code.

**EXECUTIVE ACTION ON HB 573**

**Motion:** REP. CLARK MOVED HB 573 DO PASS.

**Motion/Vote:** REP. FOSTER called the question. Voice vote was taken.

**Vote:** HB 573 DO PASS. Motion CARRIED unanimously. REP. CLARK moved HB 573 be placed on the consent calendar. Voice vote was taken. Motion FAILED 15 to 2 with REP. NELSON and REP. STEPPLER voting no.

**EXECUTIVE ACTION ON HB 572**

**Motion:** REP. FELAND MOVED HB 572 DO PASS.

**Discussion:** REP. FELAND moved to adopt amendment #1. EXHIBIT 8

REP. FOSTER called the question. Voice vote was taken. Motion CARRIED unanimously.

REP. STEPPLER moved to adopt amendment #2 requested by Roger Tippy. REP. STEPPLER called the question. Voice vote was taken. Motion CARRIED unanimously.

**Motion/Vote:** REP. NELSON MADE A SUBSTITUTE MOTION THAT HB 572 DO PASS AS AMENDED. Question was called. Voice vote was taken.

**Vote:** HB 572 DO PASS AS AMENDED. Motion CARRIED unanimously.

**EXECUTIVE ACTION ON HB 867**

**Motion:** REP. TOOLE MOVED HB 867 DO PASS.

**Discussion:** REP. LARSON moved to adopt amendment. EXHIBIT 5  
REP. FELAND said he is against the bill. It will allow the PSC  
onto private property. The GVV is out there now, this is not  
needed.

REP. LARSON asked if Ms. Lane could explain any substantive  
changes the amendment makes. Ms. Lane said the amendments put  
back the language that was deleted in section 1, of the original  
bill. It puts back existing language on lines 23 and 24. The  
next change is on page 3, where it defines regular route to  
include private roads going in between public roads. It takes  
out the rest of the amendments in the bill. On page 8, line 25,  
the word "public" is placed back into the bill, and "or  
connecting private roads or ways" is added in, which means that  
the PSC would have authority over regulated carriers on the  
private roads as well as public roads.

REP. MCCULLOCH called the question to adopt amendment. Voice  
vote was taken. Motion CARRIED unanimously.

REP. FOSTER asked if Wayne Budt, PSC, could address REP. FELAND'S  
concerns. Mr. Budt said that private land is in the bill now,  
and didn't think this would be an issue to exception. This is  
done now, it just gives the PSC the authority to enforce what  
they are doing now. He views this authority to be used only when  
there is a complaint, and will not be patrolling the private land  
trying to find violations.

**Motion/Vote:** REP. MCCULLOCH MADE A SUBSTITUTE MOTION THAT HB 867  
DO PASS AS AMENDED. Question was called. Roll call vote was  
taken. EXHIBIT 10

**Vote:** HB 867 DO PASS AS AMENDED. Motion CARRIED 9 to 8.

#### EXECUTIVE ACTION ON HB 571

**Motion:** REP. CLARK MOVED HB 571 DO PASS.

**Motion/Vote:** REP. KNOX called the question. Voice vote was  
taken.

**Vote:** HB 571 DO PASS. Motion CARRIED to 3 with REP.  
DEBRUYCKER, REP. NELSON and REP. FELAND voting no.

#### EXECUTIVE ACTION ON HB 570

**Motion:** REP. TOOLE MOVED HB 570 DO PASS.

**Discussion:** REP. TOOLE said he was concerned about obtaining two  
signatures for two types of coverage. He didn't think it would  
reduce the coverage and felt this was a clean up bill.

**Vote:** HB 570 DO PASS. Motion CARRIED 9 to 8. EXHIBIT 11

EXECUTIVE ACTION ON HB 37

**Motion:** REP. LARSON MOVED TO RECONSIDER ACTION ON HB 37 AND TAKE FROM THE TABLE.

**Discussion:** REP. LARSON spoke to his motion. Some of his constituents asked him if the committee could reconsider their actions because of the narrow margin of vote to table was 8 to 7.

**Motion/Vote:** Question was called. Roll call vote was taken to reconsider action on HB 37. EXHIBIT 12 Motion CARRIED to 2 with REP. STEPLER and CHAIRMAN STANG voting no.

**Motion/Vote:** REP. FOSTER MADE A SUBSTITUTE MOTION THAT HB 37 DO PASS.

REP. FOSTER spoke to his motion. He said the seed potato haulers have an interesting situation and he supports their dilemma.

REP. FELAND asked if the time period for these perishable commodities could be shortened. The previous testimony said the potato haulers were being picked up 2 months after their season was over with. CHAIRMAN STANG said that is his argument against the bill. He didn't think the potatoes are a perishable product. The trucks are still tearing up the roads, and the committee needs to decide if they want to protect the roads. There is no definition of perishable seed product and none in the statutes. He said it can be argued that logs are a perishable product.

REP. MCCULLOCH asked if the controversy isn't in the weight difference. CHAIRMAN STANG said the normal weight is 80,000 lbs. In the spring of the year when the roads are breaking up, the Highway Department may restrict loads. It can be done on so many pounds per square inch on the tires, or drop the weight to 75,000 or 60,000 lbs. CHAIRMAN STANG said that most of the people involved in this are from out-of-state. It is not making any more jobs available for the people in Montana.

REP. KNOX said the potatoes are very perishable, if they freeze they are worthless. CHAIRMAN STANG asked then why are they hauling in January. REP. KNOX said they are taking a great risk if they do.

REP. ELLIS said the seed potatoes are hauled when they need to be planted. Oregon and Idaho may need to plant earlier, Montana plants later.

CHAIRMAN STANG offered an amendment to HB 37. It would give the GVW Division rule-making authority to route the trucks on the roads that are acceptable, and those trucks be issued a special permit similar to the permit that is issued the triple trailers, if they are caught in violation of that permit they lose the permit to haul that excess weight.



HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

February 19, 1991

Page 17 of 17

REP. LARSON moved to adopt the amendment in concept. REP. NELSON called the question. Voice vote was taken. Motion CARRIED 16 to 1 with REP. BERGSAGEL voting no.

REP. CLARK offered an amendment to the amendment to specify the perishable product hauled is perishable seed potatoes only. REP. ELLIS called the question. Voice vote was taken. Motion CARRIED unanimously.

Motion/Vote: REP. LARSON MADE A SUBSTITUTE MOTION THAT HB 37 DO PASS AS AMENDED. Motion CARRIED by voice vote to 3 with REP. MCCULLOCH, REP. STEPPLER and CHAIRMAN STANG voting no.

EXECUTIVE ACTION ON HB 475

Motion: REP. ELLIS MOVED TO RECONSIDER ACTION ON HB 475, AS AMENDED, AND TAKE FROM THE TABLE. (See February 14, 1991 minutes.)

Discussion: REP. ELLIS distributed a letter from OPI that was sent to the PSC on June 16, 1989. EXHIBIT 13 He spoke to his motion. The same day the committee denied the PSC consideration of economic values as a basis for determining as to whom might be considered under PSC regulations, the garbage haulers were eliminated.

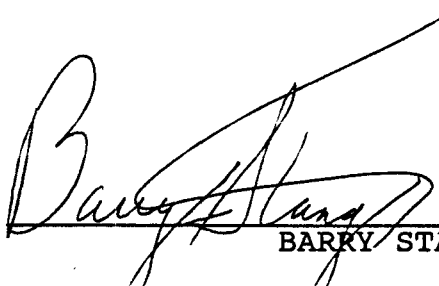
Motion/Vote: REP. LARSON called the question. Roll call vote was taken. EXHIBIT 14 Motion CARRIED 9 to 8.


Motion/Vote: REP. ELLIS MADE A SUBSTITUTE MOTION THAT HB 475 DO PASS AS AMENDED. REP. LARSON called the question. Roll call vote was taken. EXHIBIT 15

Vote: HB 475 DO PASS. Motion CARRIED 10 to 7.

ADJOURNMENT

Adjournment: 5:45 p.m.

  
BARRY STANG, Chair

  
CLAUDIA JOHNSON, Secretary

BS/cj

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# HOUSE OF REPRESENTATIVES

## HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 2-19-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, V.-CHAIR	✓		
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	✓		

10:40  
2-2-91  
TDB

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 557 (first reading copy -- white) do  
pass .

Signed:   
Barry Stang, Chairman

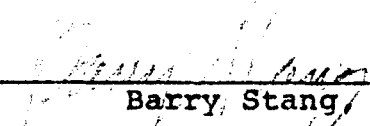
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2-22-91  
TDR

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 573 (first reading copy -- white) do pass and be placed on consent calendar .

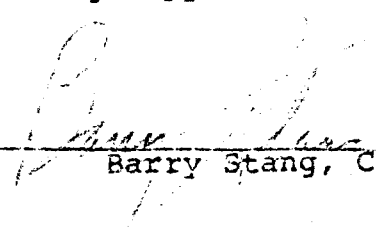
Signed:   
Barry Stang, Chairman

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 572 (first reading copy -- white) do pass as amended .

Signed:   
Barry Stang, Chairman

And, that such amendments read:

1. Title, line 11.

Strike: "§"

2. Title, line 12.

Strike: "§"

3. Title, line 20.

Strike: "§"

4. Page 4, line 14.

Strike: "section"

Insert: "title"

5. Page 5, line 16.

Following: "body"

Insert: "while operating a commercial motor vehicle"

6. Page 8, line 19.

Following: "for"

Strike: "10 years"

Insert: "life"

7. Page 9, line 10.

Strike: "61-8-803"

Insert: "[section 7]"

8. Page 9, line 17.

Strike: "61-8-804"

Insert: "[section 7]"

February 20, 1991

Page 2 of 2

9. Page 9, line 20.

Strike: "The"

Insert: "Upon receiving notice pursuant to 61-5-208, [section 5], or [section 6], the"

10. Page 9, lines 21 through 24.

Following: "endorsement" on line 21

Strike: remainder of line 21 through "61-8-806" on line 24

Insert: ", as follows:

(1) upon notice of a first conviction, for 1 year, with no provision for a probationary license, except that if the offense occurred while operating a commercial motor vehicle transporting hazardous material, the suspension must be for 3 years;

(2) upon notice of a second conviction, as determined from the records of the department, for life, with no provision for a restricted license or endorsement unless allowed by federal rules governing commercial drivers; and

(3) upon notice of a third conviction, an operator's commercial vehicle endorsement must be suspended for life and the operator is ineligible for reinstatement"

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 867 (first reading copy -- white) do pass as amended.

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, line 4.

Strike: "GRANT THE"

Insert: "EXTEND"

2. Title, line 5.

Following: "OVER"

Insert: "REGULATED MOTOR CARRIERS WHILE TRAVELING ON"

3. Title, lines 7 and 8.

Following: "69-12-101" on line 7

Strike: remainder of line 7 through "69-12-421," on line 8

4. Page 2, lines 6 and 7.

Strike: lines 6 and 7 in their entirety

Renumber: subsequent subsections

5. Page 2, line 20.

Following: "~~public~~"

Insert: "public"

6. Page 2.

Following: line 24

Insert: "(9) "Public highway" means a public street, road, highway, or way in this state."

7. Page 3.

Following: line 1

Insert: "(11) "Regular route" includes all segments of roads or ways between termini, including public highways and any private roads or ways."

10147  
2-20-91  
JDB

February 20, 1991  
Page 2 of 2

8. Page 3, line 2 through page 8, line 20.  
Strike: sections 2 through 7 in their entirety  
Renumber: subsequent section

9. Page 8, line 25.  
Following: "publie"  
Insert: "public"  
Following: "highways"  
Insert: "or connecting private roads or ways"



C. J.  
Johnson

HOUSE STANDING COMMITTEE REPORT

February 25, 1991

Page 1 of 1

Mr. Speaker: we, the committee on Highways and Transportation  
report that House Bill 571 (first reading copy -- white) do  
pass .

Signed: /S/  
Barry Stang, Chairman

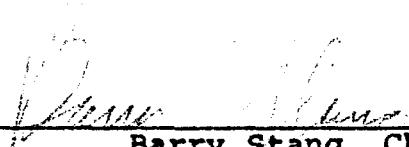
10147  
2-20-91  
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HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation  
report that House Bill 570 (first reading copy -- white) do  
pass .

Signed: 

Barry Stang, Chairman

10:40  
2-20-91  
TDB

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 37 (first reading copy -- white) do pass as amended.

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, line 7.  
Following: "PERISHABLE"  
Strike: "AGRICULTURAL SEEDS"  
Insert: "SEED POTATOES"

2. Title, line 8.  
Following: " ;"  
Insert: "TO REQUIRE THAT A PERMIT BE OBTAINED; AMENDING SECTION 61-10-128, MCA;"

3. Page 1, line 11.  
Insert: "

STATEMENT OF INTENT

It is the intent of the legislature to allow the department of highways to require vehicles transporting perishable seed potatoes on restricted roads to be routed to the nearest road that is not restricted, even if the routing is not the shortest route to the destination."

4. Page 1, line 13.  
Following: line 12

Insert: "Section 1. Section 61-10-128, MCA, is amended to read:  
"61-10-128. (Temporary) When authorities may restrict right to use roadway. (1) Neither the department nor a local authority may alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of highways by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the

10140  
2-22-01  
T103

February 20, 1991  
Page 2 of 3

highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of highways or the authority which enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order or ordinance or resolution is not effective until the signs are erected. The department, or the authority by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations on their weight on designated highways, subject to the provisions of subsection (3). These prohibitions and limitations shall be designated by appropriate signs placed on the highways.

(3) Neither the department nor a local authority may prohibit the operation of or impose a restriction on the weight of a vehicle loaded with perishable ~~agricultural seeds~~ seed potatoes that is traveling on a public highway if:

(a) the vehicle is being operated within its legal licensed gross vehicle weight; and

(b) a permit has been issued under 61-10-107(3), regardless of the vehicle's gross weight, specifying the route from point of loading to the nearest nonrestricted road; and

~~(b)~~ (c) the driver has in his possession a federal-state inspection certificate issued for the load.

(4) A permit issued under subsection (3) may be revoked for violating any condition of the permit.

61-10-128. (Effective July 1, 1991) When authorities may restrict right to use roadway. (1) A local authority may not alter the limitations provided in 61-10-101 through 61-10-110 or substitute other limitations or requirements, except as provided in this section.

(2) The department of highways by order, or a local road authority by ordinance or resolution, may prohibit the operation of or impose restrictions on the weight and speed of a vehicle traveling on a public highway under its respective jurisdiction and for which it is responsible for maintenance whenever the highway will be seriously damaged or destroyed by deterioration, rain, snow, or other climatic conditions, unless the use of vehicles on the highway is prohibited or the permissible vehicle weights and speed are reduced. The department of highways or the authority which enacts the ordinance or resolution shall erect signs designating the department's order or the authority's ordinance or resolution at each end of that portion of the highway affected, and the order or ordinance or resolution is not effective until the signs are erected. The department, or the authority by ordinance or resolution, may prohibit the operation of trucks or other commercial vehicles, or impose limitations on their weight on designated highways. These prohibitions and

10:40  
2-20-91  
TDB

February 20, 1991  
Page 3 of 3

limitations shall be designated by appropriate signs placed on the highways."

Renumber: subsequent sections

Draft Copy

Printed 6:05 pm on February 18, 1991

EXHIBIT 1  
DATE 2-19-91  
HB 680

LC000?

JOINT RESOLUTION NO. \*\*\*

Introduced By \*\*\*\*\*

By Request of The House Highways and Transportation Committee

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING LOCAL CITIZENS LIVING ALONG MAJOR HIGHWAYS, SUCH AS MONTANA HIGHWAY 35 BETWEEN POLSON AND COLUMBIA FALLS, TO WORK COOPERATIVELY WITH USERS TO DEVELOP LOCAL AND REGIONAL SAFETY COOPERATIVE PROGRAMS TO BETTER ENABLE THE FULL USE OF THE HIGHWAYS FOR SAFE TRANSPORTATION BY BOTH THE LOCAL USERS AND STATEWIDE USERS.

WHEREAS, the Montana Legislature and the federal government have established a network of state and federal-aid highways throughout the state to provide a transportation system for all citizens to use and enjoy; and

WHEREAS, an adequately funded highway program is intended to serve the needs for transporting agricultural commodities from farm to market and needed commodities for commerce, citizen consumption, and the betterment of communities in the state; and

WHEREAS, certain highways in the state, such as Montana Highway 35 between Polson and Columbia Falls, appear to follow routes that are environmentally sensitive and potentially hazardous, especially during winter driving conditions, due to their respective configurations, curves, and narrow lanes that may contribute to unsafe passing on much of the route; and

# Draft Copy

Printed 6:05 pm on February 18, 1991

WHEREAS, any contemplation of action by the Legislature to restrict the use of any Montana highway by excluding commercial vehicles based solely on the speculation that the routes are unsafe or environmentally sensitive does not appear to be in the best interest of all citizens in the state; and

WHEREAS, local and regional efforts by citizens and all users in some areas, particularly along Montana Highway 35, have resulted in positive accomplishments for improving safety and enhancing safe operations by both commercial vehicle users and local citizen users and residents; and

WHEREAS, local school officials and school bus drivers, commercial users, and local citizens along the route, being particularly concerned about the safety and welfare of school students being transported by bus to and from school, have agreed to implement a special communication effort using channel 19 on their CB radios in their respective vehicles to communicate their presence on the route, resulting in stopping and slowing down when necessary, and have, as a result, appreciably reduced the chances for accidents; and

WHEREAS, better enforcement of speed limit laws by enforcement officials, speed law compliance by commercial truckers, and the development of pullout areas for safe passing along these routes will result in greater enhancement of safety for all users of these particular highways.

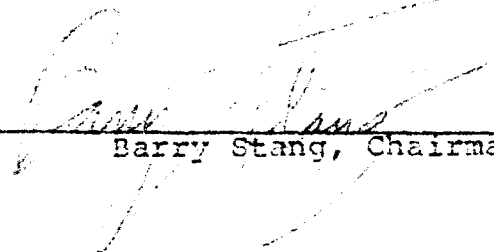
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

HOUSE STANDING COMMITTEE REPORT

February 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 475 (first reading copy -- white) do pass as amended .

Signed:   
Barry Stang, Chairman

And, that such amendments read:

1. Title, lines 6 and 7.

Following: "THE" on line 6

Strike: remainder of line 6 through "AGRICULTURE" on line 7

Insert: "OFFICE OF PUBLIC INSTRUCTION"

2. Title, line 7.

Following: "OF"

Insert: "UNITED STATES DEPARTMENT OF AGRICULTURE"

3. Page 2, line 6.

Following: "(c)"

Insert: "United States department of agriculture"

4. Page 2, line 7.

Strike: "United States department of agriculture"

Insert: "office of public instruction"



# Draft Copy

Printed 6:05 pm on February 18, 1991

EXHIBIT 1  
DATE 2-19-91  
HB 680

That the state, through the Department of Highways and the Montana Highway Patrol, and local governments and citizens living on the east lakeshore of Flathead Lake meet to discuss and develop safety enhancement programs that include effective communication, local and state enforcement of speed limits, and other safety requirements in the operation of all vehicles by all users, particularly commercial and other regular users, of these highways.

BE IT FURTHER RESOLVED, that the Department of Highways, the Montana Highway Patrol, and local governments be encouraged and urged to increase and expedite existing efforts and establish necessary additional cooperative programs and enforcement policies of regulations and laws to increase safety along these highways.

-END-

{Valencia Lane  
Staff Attorney  
Montana Legislative Council  
(406) 444-3064}

EXHIBIT 2  
DATE 2-19-91  
HB 680

Montana Department of Highways  
Helena, Montana 59620

Memorandum

To: The Honorable Barry Stang, Chairman  
House Highways Committee  
  
Members of the House Highways Committee

From: David A. Galt, Acting Administrator  
Gross Vehicle Weight Division

Date: February 19, 1991

Subject: Highway 35

During the hearing on HB 680, you asked the Department of Highways what its position would be regarding the signing of Highway 35 to help reduce potential truck-school bus problems.

The department would be willing to work towards installing signs for Highway 35. We believe properly signing this route would take three large signs at an approximate cost of \$13,000. The department would like the responsibility for the message and would install the signs if the Wood Products and Motor Carriers' associations paid for the signs.

We would like to offer as an alternate suggestion that the associations pursue billboard advertisements. This suggestion would allow a few months trial period to study the effectiveness and probably be less expensive. In addition, it would give the private interests control over the message.

As you are aware, the department feels forcing truck traffic onto Highway 93 and into Kalispell and Polson will also result in a negative public reaction. We are willing to work with any group of people to resolve the Highway 35 issue, but we are also concerned about other negative reactions.

DAG:D:GVW:183.by

cc: Tom Barnard

EXHIBIT 3  
DATE 2-19-91  
HB 557

TESTIMONY ON H.B. 557

FEBRUARY 19, 1991

I AM RICH BROWN, ADMINISTRATOR OF MONTANA'S VETERANS AFFAIRS DIVISION.

FOR YEARS, COUNTIES ACROSS MONTANA HAVE ALLOWED 100% SERVICE-CONNECTED DISABLED VETERANS THE OPTION OF PAYING THEIR FEES PURSUANT TO TITLE 61-3-451 M.C.A. AND THEN IF THEY DECIDED ON A DIFFERENT LICENSE PLATE TO EITHER PAY THE ADDITIONAL COSTS (FOR EXAMPLE: PAY AN ADDITIONAL \$25.00 AND SECURE A PERSONALIZED LICENSE PLATE) OR THE OPTION OF ANOTHER LICENSE PLATE (P.O.W. OR HANDICAPPED LICENSE PLATE). THIS PROCEDURE HAS ALLOWED 100% SERVICE-CONNECTED DISABLED VETERANS WHO WISH A PERSONALIZED PLATE TO UTILIZE THE BENEFIT YOU HAVE GIVEN THEM UNDER TITLE 61-3-451 WITHOUT THE REQUIREMENT OF NOTING THEIR DISABILITY TO THE ENTIRE STATE. THE COUNTY PROCEDURE ALLOWED 100% SERVICE-CONNECTED DISABLED VETERANS THE RECOGNITION AS FORMER P.O.W.'S RATHER THAN DISABLED VETERANS AND ALLOWED THOSE PHYSICALLY IMPAIRED VETERANS THE ABILITY TO CHOOSE THE INTERNATIONALLY RECOGNIZED HANDICAPPED SYMBOL RATHER THAN THE D.V. PLATE. FOR THE PHYSICALLY IMPAIRED THIS MEANT IF THEY WERE ABLE TO TRAVEL TO ANOTHER STATE OR CANADA THEY DID NOT RISK A PARKING TICKET WITH THE INTERNATIONALLY RECOGNIZED HANDICAPPED PLATE WHICH IS NOT THE CASE WITH THE D.V. PLATE.

EXHIBIT 3  
DATE 2-19-91  
HB 557

ON NOVEMBER 15, 1990, THE ATTORNEY GENERALS' OFFICE ISSUED AN OPINION NOTING THAT 100% DISABLED VETERANS WISHING TO QUALIFY FOR THE TAX EXEMPTION YOU GRANTED HAD NO OPTIONS UNDER THE LAW AND MUST TAKE THE "D.V." LICENSE OR PAY FULL TAXES.

WE HAVE BEEN BOMBARDED BY COMPLAINS FROM THESE VETERANS WHO WERE SURPRISED WHEN THEY ENTERED THEIR COUNTY COURTHOUSE TO LEARN OF THIS NEW AND VERY STRICT OPINION. ONE BLINDED VIETNAM VETERAN, WHO IS ALSO A NATIVE AMERICAN AND HAS UTILIZED PERSONALIZED PLATES FOR A NUMBER OF YEARS, CALLED ME AND ASKED IF THE STATE WAS FORCING HIM TO BE RECOGNIZED THIS YEAR AS A DISABLED VETERAN, WOULD THE NEXT STEP REQUIRE HE PURCHASE PLATES THAT NOTED HE WAS ALSO AN INDIAN. P.O.W.'S AND MOBILITY IMPAIRED VETERANS HAVE ECHOED THIS VETERANS SENTIMENTS. ALL HAVE BEEN SURPRISED AND SHOCKED TO LEARN OF THE NEWS.

A REQUEST TO THE ATTORNEY GENERALS' OFFICE TO CHANGE OR HOLD OFF OF THIS OPINION HAS BEEN ANSWERED WITH A 'REGRETTABLE NO'.

WE HAVE THEREFORE BROUGHT THIS ISSUE TO YOU. IF H.B. 557 IS PASSED AND SIGNED INTO LAW, IT WILL ONLY RESTORE FOR MONTANA'S 100% DISABLED VETERANS THE OPTIONS COUNTIES HAVE GIVEN TO THEM FOR YEARS. IT WILL, IN MY PROFESSIONAL OPINION, IT WILL SIMPLY RESTORE YOUR ORIGINAL LEGISLATIVE INTENT.

ON BEHALF OF MONTANA'S APPROXIMATELY 600, 100% SERVICE-CONNECTED DISABLED VETERANS, I WISH TO THANK YOU AND REPRESENTATIVE REAM FOR YOUR TIME AND CONSIDERATION ON THIS ISSUE.

ATTORNEY GENERAL  
STATE OF MONTANA

EXHIBIT 3  
DATE 2-19-91  
HB 557

Marc Racicot  
Attorney General



Justice Building  
Helena, Montana 59620

June 25, 1990

Rich Brown, Administrator  
Veterans Affairs Division  
Department of Military Affairs  
P.O. Box 5715  
Helena MT 59604

Dear Rich:

I have received and carefully reviewed your letter concerning special license plates for disabled veterans. I would also like to point out that I carefully reviewed the memorandum of Assistant Attorney General Peter Funk dated November 15, 1989, and directed to Dean Roberts, Administrator of the Motor Vehicle Division, concerning this subject prior to the time that it was rendered.

Our joint conclusion that regular county-numbered license plates could not be issued under the provisions of section 61-3-451, MCA, is based upon the clear, unambiguous requirement of the applicable statute. That section requires that "specially inscribed license plates ... bearing the letters and character 'DV' followed by three or four consecutive numbers" be issued to disabled veterans who choose to secure license plates pursuant to section 61-3-451, MCA.

There is simply no discretion provided to the Department of Justice to proceed in a manner different than that described in the aforementioned statute. Unquestionably I would not dispute your observations concerning this matter, but the law provides unequivocally clear directions that must be observed.

I regret that I cannot be of more assistance to you, but hope this explanation of the situation is helpful.

Sincerely,

A handwritten signature in cursive script that reads "Marc Racicot".

MARC RACICOT  
Attorney General

cc: Dean Roberts, Administrator, Motor Vehicle Division

VETERANS AFFAIRS DIVISION  
DEPARTMENT OF MILITARY AFFAIRS

EXHIBIT 3  
DATE 2-19-91  
HB 557



STAN STEPHENS, GOVERNOR

STATE OF MONTANA

P.O. Box 5715  
Helena, Montana 59604

June 20, 1990

Honorable Marc Racicot  
Montana State Attorney General  
Justice Building  
Helena, Montana 59620

Dear General Racicot,

Attached please find a copy of an opinion issued by your office which I believe has a very negative impact on many Montana 100% disabled veterans.

First of all, the opinion requires all 100% disabled veterans buy only a "D.V." license plate in order to obtain the tax reduction. For many poor veterans this leaves them no option except the "D.V." plate, forcing them to identify themselves as disabled. In my non-legal, professional opinion, this is clearly a violation of their Right to Privacy. Identifying yourself also as 100% disabled may, in fact, make you a target for crime or make you a target for ridicule.

Secondly, pursuant to the provisions of 61-3-406, 100% disabled veterans are the only Montana citizens not allowed their right to pay an additional fee for personalized license plates. Again, in my non-legal, professional opinion, this is discriminatory toward a single, small group of Montana's finest citizens.

The operational aspect of this opinion has also had a negative impact among Montana's 100% disabled veterans. First, they have received no notice of your opinion, so when they go to their local County to pick up their ordered and paid for personalized license plates, they are advised they must either pay the entire taxes on the vehicle or take D.V. plates.

Some disabled veterans have had these same personalized plates on their vehicle for a number of years and are not only surprised but very angry to learn of your "new" opinion on an "old" law.

EXHIBIT 3  
DATE 2-19-91  
HB 557

No provisions have been made for refunds of the money paid by 100% disabled veterans for their personalized plates.

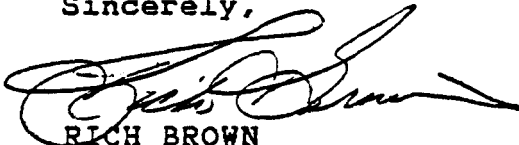
The Counties lose income from the sale of personalized and centennial license plates.

If this is the State of Montana's first attempt to regulate the sale of license plates for the smallest group of license plate holders, it has not been received well. Some 100% disabled veterans are still receiving personalized plates and others are not. Most, if not all, will not be happy with this new opinion.

For the above captioned reasons, I would appreciate you withdrawing your opinion until we can have this matter resolved by the Montana State Legislature. As one who helped author and work with this law over the years, I again must express my opinion that your opinion goes beyond the intent of the law.

I certainly hope we can at least resolve this situation toward a better operational plan for Montana veterans.

Sincerely,



RICH BROWN  
Administrator

cc: Montana Board of Veterans Affairs  
Ken Hannah, Adjutant, Disabled American Veterans  
Major General Gary Blair

ATTORNEY GENERAL  
STATE OF MONTANA

EXHIBIT 3  
DATE 2-19-91  
HB 557

Marc Racicot  
Attorney General

Justice Building  
Helena, Montana 59620

MEMORANDUM

TO: DEAN ROBERTS, Administrator  
Motor Vehicle Division

FROM: PETER FUNK  
Assistant Attorney General

DATE: November 15, 1989

RE: Special License Plates--Disabled Veterans

Dean, you have asked me for an opinion on the meaning of section 61-3-451, MCA. I understand that for some period of time the Department has interpreted this statutory provision as allowing for the issuance of either a regular county-numbered vehicle license plate or the special "DV" license plate to an individual who is a veteran with a 100 percent service-connected disability. The specific question asked is whether the issuance of a regular county-numbered vehicle license plate is appropriate under this provision. The short answer is no.

The statute in question provides:

Special license plates -- disabled veterans. (1) Any person who is a veteran of the armed services of the United States and 100% disabled because of an injury which has been determined by the veterans administration to be service connected and who is a resident of the state of Montana and who is the owner of a passenger automobile or of a truck up to and including three-quarter ton GVW rated capacity shall be provided with specially inscribed license plates upon payment of a fee of \$5 for such automobile or truck and upon proof of 100% service-connected disability.

(2) The department of justice shall assign to each veteran qualified under subsection (1) who applies according to the rules of the department a registration designation bearing the letters and character "DV-" followed by three or four consecutive numbers, and the department shall issue to the disabled veteran two



Dean Roberts  
Page 2  
November 15, 1989

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special license plates bearing the inscription assigned to him.

(3) The special license plates may be reregistered or renewed upon payment of the fees required in subsection (1) and compliance with the rules of the department.

§ 61-3-451, MCA.

It is clear to me that only the special "DV" license plate should be issued when a qualified individual wishes to take advantage of the terms of the statute. Subsection (1) includes language stating that an applicant "shall be provided with specially inscribed license plates ..." Subsection (2) provides that "the department shall issue to the disabled veteran two special license plates bearing the inscription assigned to him." The special inscription required on these is also detailed in subsection (2) of the statute.

Two other points concerning these special "DV" license plates need to be mentioned. First, section 61-3-313, MCA, exempts the disabled veteran license plates from the staggered registration system. Therefore, under section 61-3-312, MCA, these special license plates are issued for the period January 1 - December 31. Second, section 61-3-452, MCA, prohibits any transfer of a set of these license plates to any individual other than the original applicant. The original applicant may transfer the disabled veteran plates to another vehicle under section 61-3-335, MCA.

Do not hesitate to get in touch if you have any remaining questions.

cc: Daryll "Bud" Schoen

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owner and a resident of this state license plates, to be numbered in sets of two with a different number following appropriate letters and symbol as follows: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). Plates must be furnished by the department to the county treasurer, who shall issue them to the members of the armed forces reserves. The commanding officer of each armed forces reserve unit shall issue to each eligible member of such reserve unit a certificate authorizing the county treasurer to issue one set of such plates, which the county treasurer shall issue upon presentation of the certificate by the eligible member. The member shall surrender the plates upon becoming ineligible to use them, and the commanding officer shall notify the county treasurer of cancellation of the ineligible person's certificate. Plates so issued must be placed or mounted on a vehicle owned by such member and must be removed upon sale or other disposition of the vehicle.

(2) Each member of the reserve armed forces of the United States who receives special license plates under subsection (1) is liable for payment of all taxes and fees required under parts 3 and 5 of this chapter.

History: En. Sec. 1, Ch. 494, L. 1985; amd. Sec. 13, Ch. 503, L. 1985.

**61-3-448 through 61-3-450 reserved.**

**61-3-451. Special license plates — disabled veterans.** (1) Any person who is a veteran of the armed services of the United States and 100% disabled because of an injury which has been determined by the veterans administration to be service connected and who is a resident of the state of Montana and who is the owner of a passenger automobile or of a truck up to and including three-quarter ton GVW-rated capacity shall be provided with specially inscribed license plates upon payment of a fee of \$5 for such automobile or truck and upon proof of 100% service-connected disability.

(2) The department of justice shall assign to each veteran qualified under subsection (1) who applies according to the rules of the department a registration designation bearing the letters and character "DV-" followed by three or four consecutive numbers, and the department shall issue to the disabled veteran two special license plates bearing the inscription assigned to him.

(3) The special license plates may be reregistered or renewed upon payment of the fees required in subsection (1) and compliance with the rules of the department.

History: En. Sec. 1, Ch. 215, L. 1971; amd. Sec. 1, Ch. 33, L. 1975; amd. Sec. 1, Ch. 67, L. 1977; R.C.M. 1947, 53-106.8; amd. Sec. 7, Ch. 614, L. 1981; amd. Sec. 5, Ch. 614, L. 1983; amd. Sec. 1, Ch. 159, L. 1985; Sec. 10-2-301, MCA 1983; redes. 61-3-451 by Code Commissioner, 1985.

#### Cross-References

Special license plates for National Guardsmen, 10-1-110.

**61-3-452. Disabled veterans' plates nontransferable.** The special license plates for disabled veterans issued pursuant to 61-3-451 are not transferable.

History: En. Sec. 2, Ch. 215, L. 1971; R.C.M. 1947, 53-106.9; amd. Sec. 2, Ch. 159, L. 1985; Sec. 10-2-302, MCA 1983; redes. 61-3-452 by Code Commissioner, 1985.

61-3-404

MOTOR VEHICLE DATE 2-19-91

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bear a county designation or no longer bear the correct county designation. the department shall provide nonremovable stickers bearing the appropriate county designation, which must be affixed to the license plates in use in accordance with instructions by the department.

History: En. 53-149 by Sec. 2, Ch. 257, L. 1973; R.C.M. 1947, 53-149; amd. Sec. 1, Ch. 318, L. 1979; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 21, Ch. 516, L. 1985; amd. Sec. 8, Ch. 661, L. 1989.

**Compiler's Comments**

1989 Amendment: At beginning of (1) inserted exception clause; and made minor changes in phraseology.

**Cross-References**

Collegiate license plates, 61-3-483.

**61-3-404. Personalized license plates restricted to registered owner.** Personalized license plates shall be issued only to the registered owner of the vehicle upon which they are displayed.

History: En. 53-151 by Sec. 4, Ch. 257, L. 1973; R.C.M. 1947, 53-151.

**Cross-References**

Certificates of ownership, Title 61, ch. 3, part 2.

**61-3-405. Application for personalized plates.** An applicant for personalized license plates or renewal of such plates in subsequent years pursuant to 61-3-401 through 61-3-406 shall file an application therefor in the form and by the date the department requires, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which are misleading or a duplication of license plates provided for elsewhere in this title.

History: En. 53-152 by Sec. 5, Ch. 257, L. 1973; R.C.M. 1947, 53-152; amd. Sec. 36, Ch. 421, L. 1979; amd. Sec. 1, Ch. 503, L. 1985.

**Cross-References**

Personalized collegiate license plates, 61-3-466.

**61-3-406. Fees for personalized plates — disposition.** (1) In addition to all other fees and taxes imposed by law, the applicant for a personalized license plate shall pay a fee of \$25 for the original personalized license plate and a fee of \$10 for each transfer or renewal thereof.

(2) The revenue derived from the fee as provided herein must be deposited as follows:

(a) \$5 of the application fee and \$5 of the transfer or renewal fee in the county general fund; and

(b) \$20 of the application fee and \$5 of the transfer or renewal fee in the state general fund.

History: En. 53-153 by Sec. 6, Ch. 257, L. 1973; R.C.M. 1947, 53-153; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 1, Ch. 141, L. 1989; amd. Sec. 11, Ch. 398, L. 1989.

**Compiler's Comments**

1989 Amendments: Chapter 141 in (1) increased fees for original personalized license plate from \$20 to \$25 and for transfer or renewal from \$5 to \$10; in (2) designated \$5 of application fee and \$5 of transfer or renewal fee to the

county general fund and \$20 of application fee and \$5 of transfer or renewal fee to the state special revenue fund; and made minor changes in style and form. Amendment effective March 18, 1989.

EXHIBIT 4  
DATE 2-19-91  
HB 736

## Montana Audubon Legislative Fund

Testimony on HB 736  
House Highways  
February 19, 1991

Mr. Chairman and Members of the Committee,

My name is Linda Lee and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

We support House Bill 736 because funding for recreational pathways is something every state should be considering if they already haven't. The availability of a safe lane or path on which to commute encourages people to bicycle more. It seems quite appropriate to us that money for such pathways come from the gasoline tax.

The U.S. has become a car dependent country. Montanans need to do their share of reducing that dependence. Legislation like H B 736 is one way we can begin. The cost of the program is minimal considering the benefits; from saving petroleum to enhancing our health.

I have had the opportunity to live in two communities with developed bike paths; Anchorage, Alaska and Seattle, Washington. There is no question about the large amount of use these bikeways get when they are available.

Audubon urges you to support this legislation with a "do-pass."

Thank you.

EXHIBIT 5  
DATE 2-19-91  
HB 867

Amendments to House Bill No. 867  
First Reading Copy

Requested by Rep. Bob Gilbert  
For the Committee on Highways

Prepared by Robert Person  
February 16, 1991

1. Title, line 4.  
Strike: "GRANT THE"  
Insert: "EXTEND"
2. Title, line 5.  
Following: "OVER"  
Insert: "REGULATED MOTOR CARRIERS WHILE TRAVELING ON"
3. Title, lines 7 and 8.  
Following: "69-12-101" on line 7  
Strike: remainder of line 7 through "69-12-421," on line 8
4. Page 2, lines 6 and 7.  
Strike: lines 6 and 7 in their entirety  
Renumber: subsequent subsections
5. Page 2, line 20.  
Following: "~~public~~"  
Insert: "public"
6. Page 2.  
Following: line 24  
Insert: "(9) "Public highway" means a public street, road,  
highway, or way in this state."
7. Page 3.  
Following: line 1  
Insert: "(11) "Regular route" includes all segments of roads or  
ways between termini, including public highways and any  
private roads or ways."
8. Page 3, line 2 through page 8, line 20.  
Strike: sections 2 through 7 in their entirety  
Renumber: subsequent section
9. Page 8, line 25.  
Following: "~~public~~"  
Insert: "public"  
Following: "highways"  
Insert: "or connecting private roads or ways"

Legislature

LC 0180/01

INTRODUCED BY House BILL NO. 867  
Edmund CONCERNED

EXTEND

A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~GRANT THE PUBLIC~~  
~~SERVICE COMMISSION REGULATORY AUTHORITY OVER ALL ROADS OF~~ REGULATED MOTOR CARRIERS  
THE STATE, BOTH PRIVATE AND PUBLIC; AND AMENDING SECTIONS WHILE  
69-12-101, 69-12-103, 69-12-311, 69-12-312, 69-12-313, TRAVELING  
~~69-12-101, 69-12-421, AND 69-12-503, MCA.~~ ON

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-12-101, MCA, is amended to read:

"69-12-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Between fixed termini" or "over a regular route"

means the termini or route between or over which a motor carrier usually or ordinarily operates motor vehicles, even though there may be periodical or irregular departures from the termini or route.

(2) "Certificate" means the certificate of public convenience and necessity issued under this chapter.

(3) "Compensation" means the charge imposed on motor carriers for the use of the highways in this state by motor carriers under 69-12-421.

(4) "Corporation" means a corporation, company, association, or joint-stock association.

(5) "For hire" means for remuneration of any kind, paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

~~(6) "Highway" means a street, road, highway, or way in this state.~~

(6) "Motor carrier" means a person or corporation, or its lessees, trustees, or receivers appointed by any court, operating motor vehicles upon any public highway in this state for the transportation of persons or property for hire on a commercial basis, either as a common carrier or under private contract, agreement, charter, or undertaking. The term includes any motor carrier serving the public in the business of transportation of ashes, trash, waste, refuse, rubbish, garbage, and organic and inorganic matter.

(7) "Motor vehicle" includes vehicles or machines, motor trucks, tractors, or other self-propelled vehicle used for the transportation of property or persons over the public highways of the state.

(8) "Person" means an individual, firm, partnership, or corporation. (9) "Public highway" means a public street, road, highway, or way in this state.

(10) "Railroad" means the movement of cars on rail highway-or-way-in-this-state.

As

-2-

INTRODUCED BY  
HB 867

(11) "Regular route" includes all segments of roads or way between termini, including public highways and any private roads or ways, regardless of the motive power used.

~~Section 2. Section 69-12-107, MCA, is amended to read:~~

3 "69-12-107. Status of private carriers under motor  
4 carrier laws. Nothing in this chapter shall be construed as  
5 converting or attempting to convert a private carrier into a  
6 common carrier. It is hereby declared that this chapter is  
7 intended primarily as a regulation of the public highways of  
8 the state."

~~Section 3. Section 69-12-311, MCA, is amended to read:~~

10 "69-12-311. Class A motor carrier certificate. (1) No  
11 Class A motor carrier shall operate for the transportation  
12 of persons and/or property for hire on any public highway in  
13 this state without first having obtained from the  
14 commission, under the provisions of this chapter, a  
15 certificate declaring that public convenience and necessity  
16 require such operation.

17 (2) A motor carrier making application for such  
18 certificate shall do so in writing, separately for each  
19 route, which petition shall be verified by the applicant and  
20 shall specify the following matters:

21 (a) the name and address of the applicant and the names  
22 and addresses of its officers, if any;

23 (b) the public highway or highways over which and the  
24 fixed termini between which or the regular route or routes  
25 ~~shall be operated.~~

~~Let the kind of transportation, whether passenger~~

2 freight, or both, together with a full and complete  
3 description of the character of the vehicle or vehicles to  
4 be used, including the seating capacity of any vehicle to be  
5 used for passenger traffic and the tonnage capacity of any  
6 vehicle to be used in freight traffic;

7 (d) the proposed time schedule;

8 (e) a schedule of the tariff or rates desired to be  
9 charged for the transportation of freight and/or passengers;

10 (f) a complete and detailed description of the property  
11 proposed to be devoted to the public service;

12 (g) a detailed statement showing the assets and  
13 liabilities of such applicant; and

14 (h) such other or additional information as the  
15 commission may by order require.

16 (3) Such application shall be accompanied by a filing  
17 fee to be set by rule of the commission."

~~Section 4. Section 69-12-312, MCA, is amended to read:~~

18 "69-12-312. Class B motor carrier certificate. (1) No

19 Class B motor carrier shall operate for the transportation  
20 of persons and/or property for hire on any public highway in  
21 this state without first having obtained from the  
22 commission, under the provisions of this chapter, a  
23 certificate that public convenience and necessity require  
24 ~~such operation.~~

EXHIBIT 5

DATE 2-19-91

HB 867

LC 0180/01

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(2) A motor carrier making application for such permit

shall do so in writing, separately for each locality for which consideration is desired, which petition shall be verified and shall specify the following matters:

(a) name and address of the applicant and the names and addresses of its officers, if any;

(b) the kind of transportation, whether passenger, freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic;

(c) the locality and character of operations to be conducted;

(d) a schedule of the tariff of rates desired to be charged for the transportation of freight and/or passengers;

(e) a complete and detailed description of the property proposed to be devoted to the public service;

(f) a detailed statement showing the assets and liabilities of such applicant; and

(g) such other or additional information as the commission may by order require.

(3) Such application shall be accompanied by a filing fee to be set by rule of the commission."

Section 6. Section 69-12-313, MCA, is amended to read:

69-12-313. Class C motor carrier certificate. (1) Any

Class C motor carrier, except any Class C motor carrier operating pursuant to the terms and conditions of a contract as provided in 69-12-324, shall operate for the distribution, delivery, or collection of goods, wares, merchandise, or commodities or for the transportation of persons on any public highway in this state without first having obtained from the commission, under the provisions of this chapter, a certificate that public convenience and necessity require such operation.

(2) A motor carrier making application for such permit shall do so in writing, separately for each route or locality for which consideration is desired, which petition shall be verified by the applicant and shall specify the following matters:

(a) the name and address of the applicant and the names and addresses of its officers, if any;

(b) the public highways or highways over which and the fixed termini between which or the route or routes over which it intends to operate, if the same are fixed, or the particular city, town, station, or locality from and/or to which the applicant intends to operate;

(c) the kind of transportation and the character of the goods, wares, merchandise, or commodities to be distributed, delivered, or collected, together with a full and complete



~~1 description of the character of the vehicle or vehicles~~  
 2 including the rated tonnage capacity of such vehicles, to be  
 3 used in such service of distribution, delivery or  
 4 collection; and  
 5 (d) such other or additional information as the  
 6 commission may by order require.  
 7 (3) Such application shall be accompanied by a fee to  
 8 be set by rule of the commission.  
 9 (4) The submission of a Class C motor carrier  
 10 application must be accompanied by the names and addresses  
 11 of any person, corporation, or other legal entity with whom  
 12 the applicant has executed a contract for the distribution,  
 13 delivery, or collection of wares, merchandise, or  
 14 commodities or transporting persons. Such contracts must be  
 15 in writing, executed by the parties and submitted to the  
 16 commission for examination."  
 17 Section 6. Section 69-12-401, MCA, is amended to read:  
 18 "69-12-401. Compliance with state law. It shall be  
 19 unlawful for any corporation or person, its or his officers,  
 20 agents, employees, or servants, to operate any motor vehicle  
 21 for the transportation of persons and/or property for hire  
 22 on any public highway in this state except in accordance  
 23 with the provisions of this chapter."  
 24 Section 7. Section 69-12-421, MCA, is amended to read:  
 25 "69-12-421. Annual fee for motor vehicles." ~~Emergency~~

~~1 as provided in subsection (b), in addition to all of the~~  
 2 licenses, fees, or taxes imposed upon motor vehicles in this  
 3 state and in consideration of the use of the public highways  
 4 of this state, every motor carrier shall, at the time of the  
 5 issuance of a certificate and annually thereafter, on or  
 6 between October 1 and the following January 31, pay to the  
 7 public service commission of Montana a fee set by rule of  
 8 the commission for every motor vehicle operated by the  
 9 carrier over or upon the public highways of this state.  
 10 (2) (a) A motor carrier engaged in seasonal operations  
 11 only, where its operations do not extend continuously over a  
 12 period of not to exceed 6 months in any calendar year, shall  
 13 only be required to pay compensation and fees in a sum equal  
 14 to one-half of the compensation and fees herein provided.  
 15 (b) The compensation and fees herein imposed shall not  
 16 apply to motor vehicles maintained and used by a motor  
 17 carrier as standby or emergency equipment. The commission  
 18 shall have the power and it is hereby made its duty to  
 19 determine what motor vehicles shall be classed as standby or  
 20 emergency equipment.  
 21 Section 8. Section 69-12-503, MCA, is amended to read:  
 22 "69-12-503. Rates to be reasonable and  
 23 nondiscriminatory. (1) All rates, fares, charges,  
 24 classifications, or rules of service for the transportation  
 25 of property and/or persons upon the public highways of this  
 26 state shall be reasonable and nondiscriminatory." ~~Emergency~~

on connecting  
private roads or  
ways

1 state must be fair, just, reasonable, and nondiscriminatory.  
 2 No motor carrier operating under established rates shall  
 3 make, give, or permit any undue preference or advantage to  
 4 any particular person, company, corporation, locality, or  
 5 description of traffic, nor shall such motor carrier subject  
 6 any particular person, company, corporation, locality, or  
 7 description of traffic to any prejudice or disadvantage in  
 8 any respect. Nothing herein provided shall prevent the  
 9 commission from authorizing different rates or schedules of  
 10 rates for service between the same places or between  
 11 different points of origin and/or destination within the  
 12 same places when such different rates are justified by the  
 13 differing character of service to be rendered by the carrier  
 14 to a shipper or consignee.

15 (2) The commission may, upon its own initiative or upon  
 16 the complaint of any interested party, investigate any rate,  
 17 fare, charge, classification, or rule of service contained  
 18 in the schedule of any motor carrier. If the commission  
 19 shall find, after such investigation, that any such rate,  
 20 fare, charge, classification, or rule of service is unfair,  
 21 unjust, unreasonable, or discriminatory, it shall disallow  
 22 the same and fix a rate, fare, charge, classification, or  
 23 rule of service which shall be fair, just, reasonable, and  
 24 nondiscriminatory and it shall order the affected motor  
 25 carrier or carriers to conform to such modified schedule.

1 Each motor carrier affected by any complaint or  
 2 investigation shall first be given notice of the same and an  
 3 opportunity to be heard before the commission."

-End-



U.S. Department  
of Transportation  
Federal Highway  
Administration

**DRAFT**

EXHIBIT 6  
DATE 2-19-91  
HB 572

400 Seventh St., S.W.  
Washington, D.C. 20590

JUL 27 1991

Refer to: HCS-20

Mr. Duane Tooley  
Chief, Driver Services Bureau  
Department of Justice  
303 North Roberts  
Helena, Montana 59620

Through: Mr. Louis N. MacDonald  
Regional Administrator  
Lakewood, Colorado

Mr. Roger K. Scott  
Division Administrator  
Helena, Montana

Dear Mr. Tooley:

Thank you for the fine cooperation extended by your staff to Ms. Robin Smith, Ms. LuAnne Hansen and Mr. Dave Miller of the Federal Highway Administration during the Commercial Driver's License (CDL) confirmation review meeting in Helena, Montana, on June 15.

Most aspects of your CDL program meet the minimum standards. However, we cannot confirm your CDL issuance until we receive your assurances as to the satisfactory resolution of the immediate issues discussed below and until we are notified by the administrator of the Commercial Driver's License Information System (CDLIS) that the link between Montana and the CDLIS is fully operational.

Our observations on the Montana CDL program fall into two categories: immediate issues that will delay your confirmation letter if left unresolved; and long-term issues that may affect our future review of State compliance with section 12009(a) of the Commercial Motor Vehicle Safety Act of 1986.

The immediate issues are:

- (1) Montana's definition of a commercial motor vehicle (CMV) in Section 23.3.502 does not specify that any trailer for a Class A representative vehicle must be greater than 10,000 pounds. While the procedures manual indicates that Class A vehicles must have a 10,000 pound or greater trailer, the manual also states that some drivers can be tested with a smaller trailer. We recognize the constraints States and drivers face in finding adequate "representative" test vehicles. If you do find it necessary to test custom harvesters and mobile home transporters with smaller trailers, their licenses must be restricted. The CDLIS Driver History Record provides a restriction code "0" which can be used to restrict this type of driver from operating tractor trailers. Also, if Montana keeps articulated buses in class A, a similar restriction must also be used for those drivers.
- (2) The definition for a CMV contained in Section 23.3.502 seems to indicate that only vehicles over 10,000 pounds need hazardous materials placards and would, therefore, be subject to the CDL provisions. The procedures manual correctly indicates that any size vehicle transporting placarded amounts of hazardous materials is subject to these provisions. The Montana rules should be revised for consistency.

- (3) The definition for "tank endorsement" in Section 23.3.502 is incorrect in that it does not include tank vehicles used to transport gaseous materials. The word "bulk" should also be removed from the definition.

Long-term Issues In the course of our CDL confirmation review, we have made no judgment as to whether the State would be in substantial compliance with all 21 requirements included in Section 12009(a) of the Act. Since the States do not need to be "in substantial compliance" with these 21 requirements until the end of our Fiscal Year 1992, our formal review and determination will be made at a later time. Incidental to our CDL confirmation review, however, the following compliance issues were noted and are described below for your early information.

- (4) Montana's law states that nonresident CDL holders may operate in Montana "subject to the age limits applicable to commercial vehicle operators in this State." Most nonresidents operating CMVs in Montana will be involved in interstate commerce and will have to be at least 21 years old because they are subject to the 49 C.F.R. Part 391 requirements. On the other hand, some States will license commercial vehicle operators as young as age 16 or 17 for "intrastate" operations outside of their home States. The FHWA currently regards as a State matter any State's policy on honoring, for purposes of intrastate commerce only, out of State CDLs held by persons not qualified to operate in interstate commerce. Since 49 C.F.R. Section 391.2 does grant age exemptions to certain classes of interstate drivers, such as custom harvesters, the State of Montana will need to clarify or amend the above wording to appropriately reflect these requirements.
- (5) Montana's implied consent clause (Section 61-8-806) is only applied to a driver when a law enforcement officer has reasonable grounds to believe the driver's blood alcohol concentration (BAC) was 0.04 percent or more. The Federal rules require that drivers be subject to testing when they may have any measurable or detectable alcohol.
- (6) Montana has adopted legislation implementing disqualifications for drivers convicted of 0.04 percent BAC offenses and refusing chemical tests. The State will also need to apply the disqualification provisions to drivers convicted of driving under the influence (DUI), leaving the scene of an accident, or using a CMV in the commission of a felony. Montana's law also needs to be amended to include lifetime, rather than 10-year, disqualifications for drivers convicted of any combination of two disqualifying offenses contained in Part 383.51(b). Most of these changes are reflected in the proposed State amendments scheduled for introduction in January 1991.
- (7) The Montana legislation imposes 24-hour out-of-service periods for drivers testing at or over .04 BAC. Under the Federal rules, however, drivers must be placed out of service for 24 hours for any measurable or detectable amount of alcohol. Although MHP 391 may incorporate this, we have not seen a copy of it. Montana will need to bring its program into compliance either through a legislative or administrative rule change.

- (8) There seems to be a conflict between the sections of law which require the CDL disqualifications and Section 61-5-208. That section of law states that licenses cannot be revoked for more than 1 year except when the convictions are for violations of specific statutes.
- (9) Section 23.3.521 states that "Emergency or administrative personnel not ordinarily assigned to duties involving the operation of commercial motor vehicles may operate commercial motor vehicles without an endorsement on an emergency basis. . . ." We need clarification of this administrative rule because it seems to cover drivers not granted waivers in the Commercial Driver's License Program: Waivers: Final Disposition published in the Federal Register on September 26, 1988.

With your written assurances relating to Items (1) through (3) above, we look forward to being able to issue you a CDL confirmation letter immediately upon receipt of the required notification from the CDLIS Administrator.

If you have any questions about this letter or about any other aspects of our review, please contact Ms. LuAnne Hansen or Mr. Ronald Finn of my staff at (202) 366-4009. In the meantime, thanks again to you and your staff for your enthusiasm, commitment and comprehensive effort to comply with the requirements of the CDL program.

Sincerely yours,



R. P. Landis  
Associate Administrator  
for Motor Carriers

cc: Barry Goleman, Manager, AAMVAnet Inc.  
Russel Simmons, CDLIS Administrator

by any other State or has been disqualified from operating a commercial motor vehicle by any other State or the Secretary.

#### SEC. 12010. GRANT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary may make a grant to a State in a fiscal year if the State enters into an agreement with the Secretary to participate in such fiscal year in the commercial driver's license program established by this title and the information system required by this title and to comply with the requirements of section 12009.

(b) **MINIMUM AMOUNT OF GRANT.**—The Secretary shall determine the amount of grants in a fiscal year to be made under this section to a State eligible to receive such grants in the fiscal year; except that—

(1) such State shall not be granted less than \$100,000 under this section in the fiscal year; and

(2) to the extent that any States are granted more than \$100,000 per State in the fiscal year under this section, the Secretary shall ensure that such States are treated equitably.

(c) **LIMITATION ON USE OF FUNDS.**—A State receiving a grant under this section may only use the funds provided under such grant for issuing commercial driver's licenses and complying with the requirements of section 12009.

(d) **CONTRACT AUTHORITY.**—Notwithstanding any other provision of law, approval by the Secretary of a grant to a State under this section shall be deemed to be a contractual obligation of the United States for payment of the amount of the grant.

(e) **PERIOD OF AVAILABILITY.**—Funds made available to carry out this section shall remain available for obligation by the State for the fiscal year for which such funds are made available. Any of such funds not obligated before the last day of such period shall no longer be available to such State and shall be available to the Secretary for carrying out the purposes of this title. Funds made available pursuant to this section shall remain available until expended.

(f) **FUNDING.**—There shall be available to the Secretary to carry out this section \$5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for each of fiscal years 1989, 1990, and 1991.

#### SEC. 12011. WITHHOLDING OF HIGHWAY FUNDS FOR STATE NONCOMPLIANCE.

(a) **FIRST YEAR.**—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(6) of title 23, United States Code, on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(b) **AFTER THE FIRST YEAR.**—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(3), and 104(b)(6) of such title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1992, throughout which the State does not substantially comply with any requirement of section 12009(a) of this Act.

(c) **PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.**—

(1) **FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.**—  
(A) **PERIOD OF AVAILABILITY.**—Any funds withheld under this section from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

(i) If such funds would have been apportioned under section 104(b)(5)(B) of such title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(ii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of such title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

(B) **FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.**—No funds withheld under this subsection from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

(2) **APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.**—  
If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1), the State substantially complies with all of the requirements of section 12009(a) of this Act for a period of 365 days, the Secretary shall on the day following the last day of such period apportion to such State the withheld funds remaining available for apportionment to such State.

(3) **PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.**—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year succeeding the fiscal year in which such funds are apportioned. Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of such title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

(4) **EFFECT OF NONCOMPLIANCE.**—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not substantially complied with all of the requirements of section 12009(a) of this Act for a 365-day period, such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of such title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of such title.

#### SEC. 12012. PENALTIES.

(a) **NOTICE OF VIOLATION.**—Paragraph (1) of section 521(b) of title 49, United States Code, is amended by inserting "or section 12002, 12003, 12004, 12005(b), or 12008(d)(2) of the Commercial Motor Vehicle Safety Act of 1986" after "the Motor Carrier Safety Act of 1984" and by striking out "section" the second place it appears and inserting in lieu thereof "sections".

(b) **CIVIL PENALTIES.**—Paragraph (2) of such section is amended, by inserting "(A) IN GENERAL.—" before "[Except as", by inserting "(other than subparagraph (B))" before " ", except for recordkeeping

PROPOSED AMENDMENTS TO HOUSE BILL 572  
INTRODUCED COPY

DUE TO DRAFTING ERRORS, AMEND THE BODY OF THE INTRODUCED VERSION OF HOUSE BILL 572 BY REPLACING AND ADDING THE FOLLOWING:

Page 4, Line 14

At the end of (5), strike the word SECTION, insert:  
TITLE.

Page 8, Line 19

Strike 10 YEARS, insert:  
LIFE

Page 9, Line 10, strike 61-8-803 and insert:  
(SECTION 7)

Page 9, line 17 At the end of section 6, strike 61-8-804 and insert: (SECTION 7)

Page 9, Line 18, SECTION 7. AFTER THE TITLE, STRIKE ALL OTHER EXISTING LANGUAGE, AND INSERT:

(1) Upon receiving a conviction of 61-5-208(5), (SECTION 5), or (SECTION 6), the department shall suspend the commercial vehicle operator's endorsement:

(a) Upon first conviction for 1 year, with no provision for a probationary license, except that if the offense occurred in a commercial motor vehicle transporting hazardous materials, the suspension for a first offense must be 3 years,

(b) Upon a second or subsequent offense as determined from the records of the department, for life with no provision for a restricted license or endorsement unless allowed by Federal rules governing commercial driver's.

(2) The department shall suspend an operator's commercial vehicle operator's endorsement for life if the operator has been convicted of a second offense in a separate incident of any offense described in 61-5-208(5), or Title 61, Chapter 8, Part 8, and are eligible for a commercial endorsement after 10 years has elapsed, and the driver has met the requirements for reinstatement by the department.

(3) If an operator of a commercial motor vehicle commits or is convicted of a third offense under (1), the commercial endorsement shall be suspended for life, and shall be ineligible to apply for a reduction of the life suspension.

EXHIBIT 9  
DATE 2-19-91  
HB 572

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Roger Tippy BILL NO. HB572

ADDRESS Tippy & McCue, 1215 11th Ave., Helena DATE 2/19/91

WHOM DO YOU REPRESENT? Mt. Beer & Wine Wholesalers Assn.

SUPPORT X OPPOSE \_\_\_\_\_ AMEND X

COMMENTS: Most provisions of the bill apply to situations where a commercial vehicle operator is operating a commercial motor vehicle. However, sec. 3 (2) does not. Would a person who held a Type I commercial drivers license because he occasionally drove a 26,000-lb-plus beer truck be subject to this "no measured amount" of BAC standard even when he was driving a lighter vehicle; or his personal car? To forestall such an interpretation, we suggest an amendment as follows:

1. Page 5, line 16

Following: "body"

Insert: "while operating a commercial motor vehicle"



EXHIBIT 10  
DATE 2-19-91  
HB 867

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. 867 NUMBER       

MOTION: Rep McCulloch made Substitute  
Motion That HB 867 Do pass as Amended.  
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 11  
DATE 2-19-91  
HB 570

HOUSE OF REPRESENTATIVES  
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-21-91 BILL NO. 570 NUMBER \_\_\_\_\_

MOTION: Do PASS 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 12  
DATE 2-19-91  
HB 37

HOUSE OF REPRESENTATIVES  
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. HB 37 NUMBER       

MOTION: Rep. Larson Moved to reconsider  
Action on HB 37 And take from the table.  
Motion Carried 14-2

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	14	2

13  
DATE 2-19-91  
HB 475



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL  
HELENA, MONTANA 59620  
(406) 444-3095

Nancy Keenan  
Superintendent

June 16, 1989

TO: Wayne Budt, Administrator, Transportation Division,  
Public Service Commission

FROM: Gary Lee Watt, Acting Director,  
Division of School Food Services

RE: USDA Donated Food Transportation Contract for the Division of  
School Food Services, Office of Public Instruction

The Division of School Food Services will award a contract for hauling USDA donated foods to schools throughout Montana to H. R. Roberts and Sons of Fairfield, Montana, provided they obtain the proper Public Service Commission authority to do so.

In our certification to the Public Service Commission we support the H. R. Roberts and Sons application. We do so because the Roberts bid was considerably lower than the Watkins-Shepard bid (\$2.08 vs. \$2.63 per case for the first year with an overall estimated savings of over \$150,000 in three years). Federal regulations mandate that the state agency implement the most cost effective system for providing distribution services.

We wish to emphasize that the only dissatisfaction with Watkins-Shepard was the increased cost of transporting our donated foods. Since the money for shipping comes from state matching dollars given to local schools, it is our responsibility to acquire the necessary services for a fair and equitable price. The committee felt the Roberts bid met this criteria.

Point of information. One concern we have for having only one potential contractor is being at that contractor's mercy. If we have no way to protect our constituents, we will soon be forced to look to alternate methods of distribution - a fact we would like to avoid.

Time is of the essence. We need to have our hauler under contract and ready to transport donated foods by September 1, 1989. The commission's consideration of this fact will be appreciated.

GLW/sd

cc: Janet Miller  
bcc: Bid Evaluation Committee  
Gregg Groepper  
Beda Lovitt  
Watkins and Shepard Trucking  
H. R. Roberts & Sons

EXHIBIT 14  
DATE 2-19-91  
HB 475

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. 475 NUMBER \_\_\_\_\_

MOTION: Rep Ellis Moved to reconsider action  
on HB 475<sup>as amended</sup> and take from the table.  
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 15  
DATE 2-19-91  
HB 475

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. HB 475 NUMBER \_\_\_\_\_

MOTION: Rep. Ellis Moved HB 475 Do pass.  
as amended. Motion Carried 10-7

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	10	7

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

\_\_\_\_\_  
 DATE 2-19-91 SPONSOR(S) Rep. Ream COMMITTEE \_\_\_\_\_ BILL NO. HB 557  
 PLEASE PRINT PLEASE PRINT PLEASE PRINT

[illegible]

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Highways COMMITTEE BILL NO. HB 736  
DATE 2-19-91 SPONSOR(S) Measure

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Brian McNitt	MEIC	✓	
Wayne Kruse	Missoula Bike Club	✓	
Linda Lee	Montana Audubon Soc. Fund	✓	
Stan Watkins	Flathead Area System of Trails (FAST)	✓	
Bill Salisbury	Dept of Highway		✓

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Hewes COMMITTEE BILL NO. HB 867  
DATE 2-19-91 SPONSOR(S) Gilbert

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PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
CURT LAINGEN	MT MOTOR CARRIERS ASSN	X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

*Hiram*

COMMITTEE

BILL NO.

*HB 570*

DATE

*2-19-91*

SPONSOR(S)

*J. Rice*

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Anita Drews</i>	<i>dept of Justice Prison Services</i>	X	
<i>DARRELL Beckstrom</i>	<i>DRIVER IMPROVEMENT</i>	X	
<i>RICK BROWN</i>	<i>MT Board of Vet. Affairs</i>	X	
<i>Peter Funk</i>	<i>Dept. of Justice</i>	X	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Highways COMMITTEE BILL NO. HB 571  
DATE 2-19-91 SPONSOR(S) J. Rice  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DARRELL Beckstrom	Driver Improvement	c	
Peter Funk	Dept. of Justice	✓	

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HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

Hines COMMITTEE J. Rice BILL NO. HB 572  
DATE 2-19-91 SPONSOR(S) J. Rice  
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<del>DARRELL BECKSTROM</del> <del>DRIVER IMPROVEMENT</del>	DRIVER IMPROVEMENT	Y	
CURT LAINGEN	MT MOTOR CARRIERS ASSN	X	
Roger Tippy	MT BEER & WINE WHOLESALERS ASSN	X Amended	
Peter Funk	Dept. of Justice	✓	

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**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

Always COMMITTEE BILL NO. HB 573  
 DATE 2-19-91 SPONSOR(S) J. Rice  
 PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DARRELL BECKSTROM	DRIVER IMPROVEMENT	X	
Peter Funk	Dept. of Justice	✓	

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