

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on February 7, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Cecil Weeding, Chairman (D)
Bill Farrell (R)
John Harp (R)
Francis Koehnke (D)
Jerry Noble (R)
Jack Rea (D)
Lawrence Stimatz (D)
Larry Tveit (R)

Members Excused:

Betty Bruski, Vice Chairman (D)

Staff Present: Paul Verdon (Legislative Council).
Pat Bennett, Secretary

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

Announcements/Discussion:

None.

HEARING ON SENATE BILL 191

Presentation and Opening Statement by Sponsor:

SENATOR TOM BECK, District #24, said SB 191 is at the request of the Department of Motor Vehicles. This bill is basically a house cleaning bill, but does have a few major changes.

Proponents' Testimony:

BUD SCHOEN, Registrar of Motor Vehicles in Deer Lodge, representing the Department of Justice, explained the bill section by section.

PETER FUNK, Assistant Attorney General assigned to represent Motor Vehicle Division, stated he would go over, what could be the controversial sections of the bill. These sections are: 8, 12, & 15. In Section 8 changes are made to the special license plate process. What is proposed in that section, with the several varieties of special plates available, is to create a single series of generic plates. The number will still be on the left side of the plate and each special interest group will be assigned a sticker for the right side of the plate. Currently there is a bill to provide special plates for Pearl Harbor survivors, and more and more are being requested and the cost is going up to stamp the plates. Section 12 changes the maximum fine amount for vehicle registration violations from \$25 up to \$500. Except in the motor vehicle code, every misdemeanor offense in the State of Montana provides for, at the discretion of the court, a fine up to the maximum of \$500. A \$25 fine does not motivate people to do much of anything. Section 15 concerns the insurance certification process with the County Treasurers. Under present law, an applicant is required to sign a portion of the registration receipt verifying that he has liability insurance as required by the code. The County Treasurers Office do not even ask that a person sign these. People driving without liability insurance is a huge problem. The statute has been changed several times, it used to be you had to show proof of insurance card and the public had an outcry about it. They felt it was terribly inconvenient. It has been watered down so much, it doesn't appear to accomplish that much. Mr. Funk stated that unless the effectiveness of the process is improved on the up front end of registration, otherwise don't even bother. He stated there is a bill in the House which is designed to tighten that up front process. The Department has no problem with requiring that a person show an individual policy.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR FARRELL asked what the falsification penalty is.

PETER FUNK stated that is the standard \$500 misdemeanor fine. A separate fine which can be imposed for failing to have mandatory liability insurance. However, if you sign that treasurer's card certifying you have insurance, and you actually do not have it and are later arrested, you can be charged with two separate offenses. First for the unsworn falsification under the title 45 provision and then for operating a vehicle without the required liability. They usually are only cited for operating without insurance.

SENATOR FARRELL asked why they are not prosecuting. Why don't highway patrol officers and city policemen prosecute.

PETER FUNK said because 50% of the registration receipts are not signed and it is no offense unless you have signed it.

SENATOR FARRELL asked if we have county officials who are not following state law.

PETER FUNK stated that in the last four years he has never been asked to sign the receipt in Lewis and Clark County.

CHAIRMAN WEEDING asked if there is not a penalty for failure of getting this information to the treasurer.

PETER FUNK said no there is not.

SENATOR FARRELL asked why they do not prosecute.

PETER FUNK stated that they have a system that is administered by the Motor Vehicle Division, and the County Treasurers are agents. There is no language in the code that says who is the boss and who takes direction.

Closing by Sponsor:

SENATOR BECK closed the hearing on Senate Bill 191.

HEARING ON HOUSE BILL 23

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DOROTHY CODY, District #20, stated that House Bill 23 was at the request of a constituent who works at the Grain Growers in Scobey, Mt. When a farmer comes in and gets gas through Cardtrol and then applies for a rebate, the Department is giving them a lot of problems. She stated that there is still quite a bit of gas operated machinery being used due to the poor economy. The law allows a refund of 60% of the state gasoline license tax paid on gasoline purchased for agricultural use.

Proponents' Testimony:

KAY NORENBURG, WIFE (Women Involved in Farm Economics) and Montana Grain Growers Association, expressed support for HB 23.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR NOBLE asked Norris Nichols what the Department's view is.

NORRIS NICHOLS, Administrator of the Motor Fuels Tax Division. stated that Cardtrol is a nuisance to the Department. What is happening is a person is filling up bulk tanks using their Cardtrol, but he then slips around and fills up his vehicle tank and the dealer, who is violating the law, issues a bulk delivery invoice. A bulk delivery invoice cannot be issued when the fuel goes into a supply tank of that vehicle.

SENATOR FARRELL asked since the underground storage tank bill went through, are you seeing a remarkable increase in use of Cardtrol.

NORRIS NICHOLS said not as of yet.

Closing by Sponsor:

REPRESENTATIVE CODY closed the hearing on HB 23.

HEARING ON HOUSE BILL 32Presentation and Opening Statement by Sponsor:

REPRESENTATIVE MARY ELLEN CONNELLY, District #8, said HB 32 clarifies that a golf cart is not an off-highway vehicle. Last session there was a bill introduced which set up a trails program for off-highway vehicles. The law provided for issuance of a \$5 decal from the Department of Justice. This bill would exempt golf carts from definition as off-highway vehicles.

Proponents' Testimony:

None.

Opponents' Testimony:

LINDA ELLISON, Montana Trail Vehicle Riders Association, stated that they oppose HB 32. The off-highway vehicle decal got put onto golf carts as an oversight. They should have never been on there as a off-highway vehicle. The reason they were included in the bill was because of the titling factor. Until that time there was no way to title those vehicles or the unregistered off-highway vehicles. Golf carts were left in it because there is a number of those machines that are involved in traffic between Montana and Arizona in the winter time. When they get to Arizona they need a title for it, because they can be driven on the highways there and they can be licensed. She stated there is still a valid concern for titling golf carts.

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Questions From Committee Members:

SENATOR KOEHNKE asked why they can't just register the golf carts when they get to Arizona.

LINDA ELLISON stated that the reason they are asking to have them titled in Montana is all involved in the registration. If that golf cart should happen to be stolen on the way to Arizona, it would not be able to be listed as a stolen vehicle.

BUD SCHOEN stated they talked to Peter Funk, Attorney for the Motor Vehicles Division, who researched the statutes, who said they are listed as off-highway. Under this bill, if they are exempt, they will not be titled or registered. He stated they should not be operated on public roads or highways. There are now approximately 5 golf carts titled.

SENATOR TVEIT stated if the owners will still be responsible to pay taxes on personal property.

Closing by Sponsor:

REPRESENTATIVE CONNELLY closed the hearing on House Bill 32. She stated that if the Committee feels that a certificate of title should be put in force to do so.

ADJOURNMENT

Adjournment At: 5:00 p.m.


SENATOR CECIL WEEDING, Chairman


PAT BENNETT, Secretary

CW/pb

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