

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on April 2, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

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

Members Excused: Larry Tveit (R)

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 HOUSE BILL 144

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE MIKE FOSTER, District #32, explained that HB 144 is an ethanol bill which requires that all state owned vehicles must use gasohol where it is reasonably available and is priced competitively. The state of Montana used about 5 million gallons of gasoline during the last year from July of 1989 through June of 1990. Gasohol is comprised of at least 10% ethanol. This is a good opportunity to say to the private sector that if they can provide ethanol and gasohol to make it available to the state and priced competitively there is a market for them. If there is an increase in the use of ethanol there will be more plants built, creating jobs and a better tax base.

Proponents' Testimony:

REPRESENTATIVE LINDA NELSEN, District #19, testified in support of HB 144. District #19 is in the Northeastern part of Montana and is all agricultural. The production and the use of ethanol blended fuels in this state is a promotion of Montana and its number one industry which is agriculture. Production and use of ethanol blends will provide jobs, tax base and improve economic conditions for farm states. Whatever incentives the state can give to reasonably encourage the use and the production and sale of ethanol blend fuels helps to break the dependence on foreign oils. It will also contribute to a clean environment, therefor it is only appropriate that the state-run vehicles use ethanol whenever possible.

DON STERHAN, representing Alcotech, which is an ethanol production plant in Ringling. Ethanol production in Montana is off to a fairly slow start, but it is a growing industry. He stated that they do hope to see more production in Montana. Ethanol is an industry that works in Montana with the link to agriculture, the grains, rural economic development, etc. It is an industry that is being promoted nationwide. He stated that they do not see HB 144 resulting in a great amount of sales for ethanol, but it will send a message to the consumers nationwide and statewide as Montana joins other states.

BOB STEPHENS, representing Montana Grain Growers Association, expressed support for HB 144. Agriculture has a surplus of grain in this country and the Grain Growers would like to see more plans like this to use up the wheat. The ethanol plant is in Representative Foster's district.

KAY NORENBURG, representing WIFE (Women in Farm Economics), stated they support HB 144.

LOREN FRANK, Montana Farm Bureau, supports HB 144. She stated that using a product produced by Montana's largest industry in state-supported vehicles in a concept that is long overdue.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE FOSTER closed the hearing on HB 144. The staff attorney for the House Highway Committee has informed him that HB 144 slipped through the House requiring the deletion of a few words. On page 1, line 15, it refers to subsection 6 and on page 2, subsection 6 has been stricken. He requested that "except as provided in subsection 6" to be deleted. Representative Koehnke has agreed to carry HB 144.

EXECUTIVE ACTION ON HOUSE BILL 144Motion:

SENATOR BRUSKI MOVED that HOUSE BILL 144 BE CONCURRED IN AS AMENDED.

Amendments, Discussion, and Votes:

SENATOR REA MOVED to ADOPT the AMENDMENT OFFERED BY THE SPONSOR. (SEE EXHIBIT 1)

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY TO CONCUR IN HB 144 AS AMENDED.

HEARING ON HOUSE BILL 561Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BARRY STANG, District #52, explained that HB 561 is an act to require the date of birth or either the social security number or driver's license number on the application to register a motor vehicle. This additional information will be an added asset to law enforcement officers.

Proponents' Testimony:

ROSE DUNCAN, representing the Mineral County Sheriff's Office, stated that she has worked on this project for the last two years. It was first discussed at a TAC Conference (Terminal Agency Coordinator) two years ago. TAC acts as a liaison between the county agencies and the state and federal agencies. She stated that at approximately 1:00 a.m. a lone officer approached a vehicle at the end of a road, with the quickest back up being 35 minutes away. When he approached the vehicle the dome light was on and the windows were fogged.

MS. DUNCAN said the Officer called in the license plate number and nothing came back on it. He approached the vehicle and discovered a man very high on cocaine and on the seat was a loaded revolver. After doing a search on his date of birth it was discovered that he was an escaped wanted felon, armed and dangerous in Washington. It did not show up on his plates, because there is no unique identifier. She stated that when the first worked on the bill the date of birth was preferred, however they will settle for even the social security number or driver's license number. Anything that will give the computer a reference. The dispatcher is the lifeline to that officer out there, and Montana is not so enriched with officers that it can afford to lose one. There are 1,700 sworn officers in Montana. Most of Montana is so rural that it is rare to have two officers together in case of the need of backup.

DEAN ROBERTS, Administrator of the Motor Vehicle Division, stated they support the bill for a couple of reasons. There is no way to link the data registration data bank with the driver's license data bank. There needs to be a unique qualifier number to link those up with. In the rural areas police need as much information as they can get. The Highway Patrolman has a problem as far as time with their dispatchers. They have to call in the person's license number and wait. This will save time for the patrolmen. The other ability it will give, is the data bases in the State are starting to fill up because they continue to put names and addresses in the data base. It would be much better to put a person's registrations all under the same name.

Opponents' Testimony:

PATRICIA COOK, President of the Montana County Treasurer's Association and Lake County Treasurer, was opposed to HB 144. There will be people at the counter telling the treasurers it is none of their business when asked these questions. Many of the people do their registering by mail. Lake County has been very strict in enforcing the insurance requirements, if the mail registration comes back without that signature certifying to have insurance the card is mailed back. This could be the same problem, people will be returning the cards without their social security number on it. She stated that they do not need to antagonize these people anymore than they already do. It will cost the county more money to be returning these renewal cards. Most vehicles are registered by two people in joint tenancy, and often only one comes in to renew.

KEVAN BRYAN, Yellowstone County Treasurer and Chairman of the Montana Treasurer's Legislative Committee, stated they oppose HB 561. There are important differences between requiring individuals to provide a date of birth and a social security number. Once this information is recorded on your driver's license it will never change.

MR. BRYAN stated that the average motor vehicle owner possess many different vehicles in a lifetime. At a time when the treasurers in this state are looking for ways to streamline the vehicle renewal process this bill would represent a giant step backward. Significant compliance by those renewing by mail is doubtful and in addition, those renewing in person would be asked the same information. The ability to enforce compliance in giving personal information is doubtful as well. There is a possibility that all of this could be endured it would benefit law enforcement. He stated that the treasurers want to do everything they can to help law enforcement, however Mr. Bryan said they feel this bill would not provide a substantial benefit at all. The bill would be an intrusion to all and would slow down the operation of government, but would not necessarily help to catch the criminals.

CORT HARRINGTON, representing the Montana County Treasurers Association, stated he is one of those who does not have his social security number on his driver's license and as long as that remains an option will never allow it to be put on there. That driver's license has personal information and it is not very often shown to people and is kept with him. The registration receipt is kept in the vehicle and is more accessible to criminals.

Questions From Committee Members:

None.

Closing by Sponsor:

REPRESENTATIVE BARRY STANG closed the hearing on HB 561. He clarified that you do not need your social security bill, in the bill it calls for the drivers license number. Representative Stang stated that he sells fishing licenses to those who must put their social security number or their drivers license number on the fishing license. This is valuable information. Representative Stang stated that if the people of Montana want to drive in this state they will put down whatever information that is required of them.

HEARING ON HOUSE BILL 597

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE PATRICK GALVIN, District #40, informed the Committee that HB 597 is an extension of the mud flap bill which is now on the books in the State of Montana. It also targets some recreational vehicles and vans that are less than 8,000 lbs. The biggest reason for this bill is the innovation of the new Japanese small pick up trucks which weigh less than the 8,000 lbs and are not included by law to have mud flaps. These small trucks throw up rocks as hard as the big highway vehicles.

Proponents' Testimony:

STEVE BROWNING, representing State Farm Insurance, submitted written testimony in support of HB 597. (SEE EXHIBIT 2)

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR KOEHNKE asked if there is not already a bill that would cover this.

REPRESENTATIVE GALVIN stated that HB 597 changes it from the 8,000 lb base and lower to include these smaller vehicles.

SENATOR NOBLE asked if most of the newer vehicles come equipped with mud flaps.

REPRESENTATIVE GALVIN stated they do not come with them. The mud flaps are put on three quarter tons and higher.

Closing by Sponsor:

REPRESENTATIVE GALVIN closed the hearing on HB 597. The bill is to protect head lights, grills and windshields.

HEARING ON HOUSE JOINT RESOLUTION 37

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE FLOYD "BOB" GERVAIS, District #9, stated this is a resolution that addresses keeping the Canadian border crossings open 16 hours. There are children from Babb, MT and St. Mary's area who go to school in Canada. Some people use the hospital in Canada for emergencies. There is a lot of support for this from Canada. There are also many Canadians who do their shopping in Montana.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members:

CHAIRMAN WEEDING asked what Canadian town is near Babb.

REPRESENTATIVE GERVAIS answered that the town was Cardston, Alberta.

CHAIRMAN WEEDING asked if Roosville is now opened for the time requested last session.

REPRESENTATIVE GERVAIS stated that as a result of a resolution passed last session Roosville crossing is now open for 24 hours.

Closing by Sponsor:

REPRESENTATIVE GERVAIS closed the hearing on HJR 37. Senator Noble will carry HJR 37.

EXECUTIVE ACTION ON HJR 37

Motion:

SENATOR NOBLE MOVED that HJR 37 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE BILL 723

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JOHN PHILLIPS, District #33, explained his bill is tied into the special plate bills. The purpose is to get extra money for the Veteran's Cemetery. Normally when you picture a Veteran's Cemetery one would picture Arlington, Virginia, however the one in Helena is a disgrace. The volunteers in Helena have done a good job, but extra is needed for maintenance. This could be done through Veteran's license plates.

Proponents' Testimony:

KEVAN BRYAN, Yellowstone County Treasurer, stated they support HB 723 along with an amendment. On page 2, there is a \$10 fee distribution, \$3 to the County general fund, \$1 to the State general fund, and \$6 to the State Veteran's Cemetery. In the fiscal note to silk screen the plates will increase the cost by seventy cents per set. There will be additional work and expenses in the offset but there will not be with the renewal year. Mr. Bryan asked that with this in mind, they would request that the \$10 fee be given to the Veteran's Cemetery Fund beginning with the second year of plate ownership. The 67% increase in funding from \$6 to \$10 will provide an additional \$14,000 to \$20,000 per year to the effort. The counties in the state will be compensated for actual cost incurred in the State Veteran's Cemetery.

RICH BROWN, Administrator of the State Veterans Affairs Division, expressed support for HB 723. (SEE EXHIBIT 3)

HAL MANSON, representing the American Legion of Montana, supports HB 723 saying there is a need for this extra money. Mr. Manson stated he commands the burial ceremonies there and there is a great need to make it a presentable cemetery. There has not been the funding to do what is needed. Trees have been put in with voluntary work and donations.

GEORGE POSTON, United Veterans Committee of Montana, expressed support for HB 723 and stated they are hoping that the 108,000 veterans in Montana will buy these plates to help with the funding of the cemetery.

DICK BAUMBERGER, Disabled American Veterans, testified in favor of HB 723. They concur with the offered amendment from Kevan Bryan and offered an amendment of their own. On page 3, line 3, after "construction" to add "operation and maintenance" to offer some latitude. They can get federal matching money for any construction money, but they can not buy things such as lawn mowers with it, operation and maintenance would allow this.

DUANE TOOLEY, representing the Motor Vehicle Division, supports the concept of HB 723. He suggested there be some coordinating language. Senate Bill 191 has become the residence of all the special plates. House Bill 723 should be coordinated with Senate Bill 191.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR NOBLE asked Mr. Tooley if including the bill with SB 191 would be a problem since HB 723 has money in it going to a special place.

WAYNE TOOLEY stated that the money should not be affected at all. The only concern of the Motor Vehicle Division is to have all the special plates in one area. There are other plates that also have additional instructions on them.

PAUL VERDON informed the Committee that the Department of Justice sent over a proposed coordination instruction for HB 723 that would provide that a section of the bill be codified as part of 61-3-332. He stated that it will be necessary to amend section 61-3-332 into this bill with the same language that appears in Senate Bill 191. The coordinating language must also provide that section 1 of HB 723 is void and section 8 of SB 191 is void. This will coordinate both bills.

Closing by Sponsor:

SENATOR NOBLE closed the hearing on HB 723 for Representative Phillips who had to be at another hearing.

HEARING ON HOUSE BILL 751

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE WILLIAM BOHARSKI, District #4, opened the hearing on HB 751. The reasons for wanting this enacted into state statute, is because the number one cause of death in teenagers is drinking and driving. This bill prohibits altering a driver's license to obtain alcohol. One of the most important things to a high school student is to be able to drive. This bill will get a message out there that this is a state driver's license and we don't want anyone altering it to purchase alcohol and if you do, we'll take away your privilege to drive.

Proponents' Testimony:

DARRELL BECKSRTOM, Chief of the Driver Improvement Bureau, representing the Motor Vehicle Division, stated the Department is in full support of the bill. HB 751 will help solve the problem and it is a workable solution.

LEON STALCUP, representing the Montana and National Restaurant Associations, stated that the National Restaurant Association has been requesting State Associations to push for this kind of legislation. Montana is one of the few not to have it before. He stated that Representative Boharski was correct in saying that young people value driving, that they will modify their behavior so they can retain their driving privileges. One of the reasons they requested the bill to be drafted, was because of a study done in the midwest which determined that half of those asked had altered IDs. That same study looked at college age students. The ones who had altered IDs had more than one. There are companies who will make fake IDs for a price which looks identical to the state driver's license. He stated they have support also from National Mothers Against Drunk Drivers and the Montanans Against Drunk Drivers.

Opponents' Testimony:

None.

Questions From Committee Members:

CHAIRMAN WEEDING asked if they usually have an ID made up or if they alter the one they already own.

LEON STALCUP answered that any computer program can do this. They scan in the driver's license and it can then be altered. The companies who do that only need a picture. In some instances they have advertised in newspapers that deal with the high schools or university newspapers.

SENATOR REA asked what the length of suspension is.

LEON STALCUP stated it was 12 months suspension.

Closing by Sponsor:

REPRESENTATIVE BOHARSKI closed the hearing on HB 751 saying that we need to get the message out that we do not want people drinking and driving in this state.

EXECUTIVE ACTION ON HOUSE BILL 751

Motion:

SENATOR HARP MOVED that HOUSE BILL 751 BE CONCURRED IN.

MOTION PASSED UNANIMOUSLY.

Discussion:

SENATOR KOEHNKE will carry HB 751.

EXECUTIVE ACTION ON HOUSE BILL 723

Motion:

SENATOR FARRELL MOVED that HOUSE BILL 723 BE CONCURRED IN AS AMENDED.

Discussion:

SENATOR BRUSKI will carry HB 723.

Amendments, Discussion, and Votes:

SENATOR NOBLE MOVED to ADOPT THE AMENDMENTS TO HB 723. (SEE EXHIBIT 5)

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 723 BE CONCURRED IN AS AMENDED.

EXECUTIVE ACTION ON HOUSE BILL 597

Motion:

SENATOR KOEHNKE MOVED TO TABLE HB 597.

MOTION PASSED UNANIMOUSLY.

Discussion:

The Committee discussed the bill covering recreational vehicles and vans. Paul Verdon cited the definition for recreational vehicles from section 61-1-132.

EXECUTIVE ACTION ON HOUSE BILL 561

Motion:

SENATOR HARP MOVED to LAY HB 561 ON THE TABLE.

MOTION PASSED UNANIMOUSLY.

Discussion:

SENATOR HARP stated he had a problem with the privacy provisions that the bill would affect the public. He stated he is careful with his social security number, because it can be used in so many ways. Asking for license plate numbers and social security numbers is an invasion of privacy.

ADJOURNMENT

Adjournment At: 5:15 p.m.


SENATOR CECIL WEEDING, Chairman


PAT BENNETT, Secretary

Amendments to House Bill No. 144
Third Reading Copy

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon
April 2, 1991

1. Page 1, lines 14 and 15.

Following: "audit" on line 14

Strike: " -- exception"

2. Page 1, line 15.

Strike: "Except as provided in subsection (6), each"

Insert: "Each"

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 2 day of April, 1991.

Name: Steve Browning

Address: 139 North Last Chance Gulch
Helena, MT 59601

Telephone Number: 449-6220

Representing whom?

State Farm Insurance

Appearing on which proposal?

HB 597

Do you: Support? X Amend? _____ Oppose? _____

Comments:

This bill will help reduce damage on the
highways. As such, it will reduce claims
on insurance and therefore, should reduce
the continued pressures on insurance
costs to the insurers and the insured.

It is sound public policy. It protects
drivers from damage w/o placing an
undue burden on the users of
Montana's highways.

On behalf of State Farm, I urge this
committee to concur in the passage of
HB 597.

Thank you.

Steve Browning

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

VETERANS AFFAIRS DIVISION
DEPARTMENT OF MILITARY AFFAIRS

STAN STEPHENS, GOVERNOR

SENATE HIGHWAYS

EXHIBIT NO. 3
DATE 4-2-91
BILL NO. HB 723



STATE OF MONTANA

TESTIMONY ON HOUSE BILL 723

~~SATURDAY, FEBRUARY 16, 1991~~

TUESDAY APR. 2, 1991

GOOD AFTERNOON.

I AM RICH BROWN, ADMINISTRATOR OF THE STATE'S VETERANS AFFAIRS DIVISION. I AM HERE TODAY TO EXPRESS SUPPORT FOR HB 723 ON BEHALF OF THE MONTANA BOARD OF VETERANS AFFAIRS AND TO GIVE YOU A SHORT REVIEW OF THE STATE VETERANS CEMETERY.

IN 1985 REPRESENTATIVE ORVAL ELLISON AND OTHERS SPONSORED HB 513 WHICH CREATED THE CEMETERY AND APPROPRIATED \$25,000.00 FOR CONSTRUCTION AT THE SITE. ALTHOUGH THE ORIGINAL REQUESTED AMOUNT OF THE BILL WAS \$250,000 AND WAS LATER REDUCED TO \$25,000, IN THE FULL HOUSE APPROPRIATIONS COMMITTEE, WE WERE ABLE TO GENERATE A TWO-FOR-ONE MATCH WITH THE FEDERAL DEPARTMENT OF VETERANS AFFAIRS AND OPEN THE FACILITY. WE HAD RECEIVED 65 ACRES OF LAND, NEAR THE FORT HARRISON D.V.A. FACILITY, FROM THE U.S. ARMY CORPS OF ENGINEERS AT NO COST TO THE STATE OF MONTANA.

DURING THE 1987 LEGISLATURE, REPRESENTATIVE BOB PAVLOVICH AND OTHERS SPONSORED A REVENUE CHECK-OFF ON THE STATE INCOME TAX FORM WHICH GENERATED JUST OVER \$7,000.00 FOR CONSTRUCTION AT THE SITE.

THE \$25,000.00 APPROPRIATED BY THE 1985 LEGISLATURE IS THE ONLY FUNDING PROVIDED BY THE STATE OF MONTANA IN THE SIX YEARS THE STATE HAS OWNED AND OPERATED THE SITE. ALL LAND, TREES, CONSTRUCTION AND OPERATIONS AT THE SITE HAVE, TO DATE, COME FROM FEDERAL OR DONATED FUNDS.

RECENTLY OUR DIVISION HAS RECEIVED NUMEROUS COMPLAINTS FROM FAMILIES OF INDIVIDUALS BURIED AT THE SITE, VETERANS AND OTHERS WHO BELIEVE IMMEDIATE RENOVATIONS AND IMPROVEMENTS MUST BE COMPLETED.

THE SALE OF SPECIAL VETERAN LICENSE PLATES WILL ALLOW THE VETERANS THE OPPORTUNITY TO BUILD AS MUCH OR AS LITTLE AS THEY DEEM NECESSARY AT THE SITE.

THE BILL SUGGESTS ONE DOLLAR BE GIVEN TO THE STATE TO COVER COST OF PRINTING THE LICENSE PLATES, THREE DOLLARS GO TO THE COUNTY FOR COSTS ASSOCIATED WITH THE SALE AND SIX DOLLARS BE HELD FOR CONSTRUCTION AT THE SITE. THESE FIGURES ARE ESTIMATES OF COSTS AND MAY BE ALTERED IF THE COMMITTEE DEEMS THAT NECESSARY.

SEPARATED LEGISLATION WILL BE CONSIDERED DURING THIS SESSION FOR THE OPERATIONS AND MAINTENANCE OF THE CEMETERY.

AS OF FRIDAY, FEBRUARY 19, 1991 149 BURIALS HAS TAKEN PLACE AT THIS SITE.

1

SENATE HIGHWAYS
REPORT NO. 4
DATE 4-2-91
BILL NO. HB 723

Amendments to House Bill No. 723
First Reading Copy

Requested by Betty Bruski
For the Committee on Highways and Transportation

Prepared by John Ilgenfritz
April 2, 1991

1. Page 2, line ²²~~11~~.
Strike: "\$3"
Insert: "\$1"

2. Page ³~~2~~, line ³~~17~~.
Following: "construction"
Insert: ", operation and maintenance"

Amendments to House Bill No. 723
Third Reading CopyDATE 4-2-91BILL NO. HB 723

For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon
April 2, 1991

1. Title, line 9.

Following: "CONSTRUCTION"

Insert: ", OPERATION, AND MAINTENANCE"

2. Page 2, line 17.

Following: "(3)"

Insert: "(a)"

3. Page 2, line 21.

Strike: "The"

Insert: "(b) Upon an original application, the"

Following: "shall"

Insert: ":

(i)"

4. Page 2, line 22.

Strike: "and"

Insert: ";

(ii)"

5. Page 2, lines 24 and 25.

Strike: ". The county treasurer shall"

Insert: "; and

(iii)"

6. Page 3, line 3.

Following: "construction"

Insert: ", operation, and maintenance"

7. Page 3, line 5.

Following: line 4

Insert: "(c) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special fee as provided in subsection (3)(b)(iii)."

NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 191 is passed and approved, [sections 1, 3, and 4 of this act] and [section 8 of Senate Bill No. 191] or any other section containing amendments to incorporate into 61-3-332 provisions for special license plates are void and 61-3-332 is amended to read:

"61-3-332. (Temporary) Number plates. (1) Every A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned the vehicle. The number plates are in

~~eight~~ 10 series: one series for owners of motorcars, one for owners of motor vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle or quadricycle type that bear the distinctive letters "MCD" or the letters "MC" and the word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and used motorcars (including trucks and trailers) that bear the distinctive letter "D" or the word "DEALER", one for dealers in used motorcars only (including used trucks and trailers) that bear the distinctive letters "UD" or the letter "U" and the word "DEALER", ~~and~~ one for dealers in trailers and/or semitrailers (new or used) that bear the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in recreational vehicles that bear the distinctive letters "RV" or the letter "R" and the word "DEALER", and one for special license plates. All markings for the ~~afere~~mentioned various kinds of dealers' plates must be placed on the number plates assigned thereto in the position that the department designates.

(2) All number plates for motor vehicles must be issued for a minimum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide nonremovable stickers bearing appropriate registration numbers that must be affixed to the license plates in use.

(3) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after January 1, 1991, to replace, at renewal as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in length. The outline of the state of Montana must be used as a distinctive border on such license plates, and the word "Montana" and the year must be placed across the plates. Such registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of such numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(6) For the use of tax-exempt motor vehicles, in addition to the markings ~~herein~~ provided in this section, number plates must ~~have thereon~~ bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the

words "State Owned", and no year number may be indicated thereon because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, irrigation districts organized under the laws of Montana and not operating for profit, and school districts and that are used and operated by officials and employees thereof in line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees thereof in the line of duty, there must be placed on the number plates assigned thereto, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each of the counties and those of the irrigation districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(7) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and house trailers. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the motorcycle or quadricycle type.

(8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or quadricycle-type vehicle. No registration or license fee may be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they may be formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463, must be a separate series of plates, numbered as provided in

subsection (5), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, handicapped persons, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) An active member of the Montana national guard may be issued a special license plate with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the division to issue one set of national guard plates, and the member shall surrender the plates to the division upon becoming ineligible to use them.

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued a special license plate with a design or decal displaying the following: 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). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of one set of plates. The member shall surrender the plates to the division upon becoming ineligible to use them.

(c) A resident of Montana who is a veteran of the armed forces of the United States and who is 100% disabled because of an injury that has been determined by the veterans' administration to be service-connected may, upon presentation to the division of proof of the 100% disability, be issued a special license plate under this section with a design or decal displaying the letters "DV".

(i) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter.

(ii) Special license plates issued to a disabled veteran are not transferrable to another person.

(iii) A disabled veteran is not entitled to a special license plate for more than one vehicle.

(iv) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a handicapped person's vehicle under this title.

(d) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by his service record, may upon application and presentation of proof be issued

a special license plate with a design or decal displaying the words "ex-prisoner of war" or an abbreviation as the department considers appropriate.

(e) Upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, for one motor vehicle only, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if he was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of proof, in a form prescribed by the department, of his qualification under this subsection, there must be issued to each applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to qualified veterans. The plates must be placed or mounted on the vehicle owned by the veteran designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Each veteran who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an original application for a license under this subsection (10)(f), the county treasurer shall:

(A) deposit \$3 of the special fee in the county general fund;

(B) remit \$1 for deposit in the state general fund; and

(C) deposit the remainder of the special fee in the state special revenue fund to the credit of the department of military affairs to be appropriated by the legislature for construction, operation, and maintenance of the state veterans' cemetery.

(iv) Upon subsequent annual renewal of registration, the

county treasurer shall deposit all of the special fee as provided in subsection (10)(f)(iii)(C).

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of the handicapped person. (Terminates July 1, 1996--sec. 4, Ch. 654, L. 1989.)

61-3-332. (Effective July 1, 1996) Number plates. (1) Every A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned the vehicle. The number plates are in ~~eight~~ 10 series: one series for owners of motorcars, one for owners of motor vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle or quadricycle type that bear the distinctive letters "MCD" or the letters "MC" and the word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and used motorcars (including trucks and trailers) that bear the distinctive letter "D" or the word "DEALER", one for dealers in used motorcars only (including used trucks and trailers) that bear the distinctive letters "UD" or the letter "U" and the word "DEALER", and one for dealers in trailers and/or semitrailers (new or used) that bear the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in recreational vehicles that bear the distinctive letters "RV" or the letter "R" and the word "DEALER", and one for special license plates. All markings for the ~~aforementioned~~ various kinds of dealers' plates must be placed on the number plates assigned thereto in the position that the department designates.

(2) All number plates for motor vehicles must be issued for a minimum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide nonremovable stickers bearing appropriate registration numbers that must be affixed to the license plates in use.

(3) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after January 1, 1991, to replace, at renewal as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(4) In the case of motorcars and trucks, number plates must be of metal 6 inches wide and 12 inches in length. For number plates issued after 1976, the outline of the state of Montana must be used as a distinctive border on such license plates, and the word "Montana" and the year must be placed across the bottom of the plates. Such registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers and be numbered consecutively for each series of plates. The

distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of such numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(6) For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates must have thereon the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and no year number may be indicated thereon because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, irrigation districts organized under the laws of Montana and not operating for profit, and school districts and that are used and operated by officials and employees thereof in line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees thereof in the line of duty, there must be placed on the number plates assigned thereto, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each of the counties and those of the irrigation districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(7) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and house trailers. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the motorcycle or quadricycle type.

(8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or quadricycle-type vehicle. No registration or license fee may be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15;

Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they may be formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, handicapped persons, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) An active member of the Montana national guard may be issued a special license plate with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the division to issue one set of national guard plates, and the member shall surrender the plates to the division upon becoming ineligible to use them.

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued a special license plate with a design or decal displaying the following: 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). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of one set of plates. The member shall surrender the plates to the division upon becoming ineligible to use them.

(c) A resident of Montana who is a veteran of the armed forces of the United States and who is 100% disabled because of an injury that has been determined by the veterans' administration to be service-connected may, upon presentation to the division of proof of the 100% disability, be issued a special license plate under this section with a design or decal displaying the letters "DV".

(i) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle or a truck with a GVW-

rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter.

(ii) Special license plates issued to a disabled veteran are not transferrable to another person.

(iii) A disabled veteran is not entitled to a special license plate for more than one vehicle.

(iv) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a handicapped person's vehicle under this title.

(d) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by his service record, may upon application and presentation of proof be issued a special license plate with a design or decal displaying the words "ex-prisoner of war" or an abbreviation as the department considers appropriate.

(e) Upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, for one motor vehicle only, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if he was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of proof, in a form prescribed by the department, of his qualification under this subsection, there must be issued to each applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

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(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to qualified veterans. The plates must be placed or mounted on the vehicle owned by the veteran designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Each veteran who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an original application for a license under this subsection (10)(f), the county treasurer shall:

(A) deposit \$3 of the special fee in the county general fund;

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(C) deposit the remainder of the special fee in the state special revenue fund to the credit of the department of military affairs to be appropriated by the legislature for construction, operation, and maintenance of the state veterans' cemetery.

(iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special fee as provided in subsection (10)(f)(iii)(C).

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of the handicapped person."

Renumber: subsequent sections

COMMITTEE ON: HIGHWAYS AND TRANSPORTATIONDATE: 4-2-91

VISITOR'S REGISTER

HB 144
 HB 561
 HB 597
 HB 723
 HB 751
 HJR 37

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Patricia Cook	Montana County Treasurers' Assoc	561		X
Rose Duncan	Mineral Co. Sheriff	561	X	
Harry Lee	Mineral Co. Sheriff	561	X	
Lorna Feldbrugge	Mineral Co. Sheriff Dept	561	X	
Kevan Bryan	Mta Cty Trns. Assoc.	561		X
Kevan Bryan	"	723	X	
Mike Foster	House Distr. #32	HB 144	X	
Lorna Frank	Mt. Farm Bureau	HB 144	X	
Linda Nelson	HD 19	HB 144	X	
Kay Norenberg	Wife	HB 144	X	
Rich Brown	Mt. Bed Lets Affs	HB 723	X	
HAL MANSON	AMERICAN REGION	HB 723	X	
Dick Bamberger	DAV	HB 723	X	
Don Roberts	MV Div.	561	X	
Daniel Buchheit	Driver Improvement	751	X	
Don Stehman	Alcotest	HB 144	✓	
Steve Browning	State Farm Insurance	HB 597	✓	
Bob. Stephens	Mt. Grain Elevator Ass'n	144	✓	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: 4-2-91

VISITOR'S REGISTER

[illegible]

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 3rd day of April, 1991.

Name: Rose Duncan

Address: Bx 159 Superior, N.H.

Telephone Number: 822-4565 - 822-4861

Representing whom?

Mineral Co. Sheriff Dept

Appearing on which proposal?

561

Do you: Support? X Amend? Oppose?

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY