

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By VICE CHAIRMAN KARYL WINSLOW, on January 20, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Karyl Winslow, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Joe Barnett (R)
Rep. Bill Endy (D)
Rep. Pat Galvin (D)
Rep. Marian Hanson (R)
Rep. Vern Keller (R)
Rep. Gary Mason (R)
Rep. Bill Ryan (D)
Rep. Wayne Stanford (D)
Rep. Bill Tash (R)
Rep. Randy Vogel (R)

Members Excused: Rep. Robert Clark, Chairman
Rep. David Ewer
Rep. Don Larson

Members Absent: Rep. Tim Whalen

Staff Present: Valencia Lane, Legislative Council
Kimberlee Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: HB 180
Executive Action: None.

HEARING ON HB 180

Opening Statement by Sponsor:

REP. SHIELL ANDERSON, House District 81, Livingston, stated that HB 180 will revise the classification of special mobile equipment versus other equipment. Certain people are violating the special

mobile equipment rule. A fiscal note has been prepared, but the committee does not have a copy. The note states there will be a slight positive impact on revenue, which would result from present mobile vehicles being required to be licensed and fees paid.

Proponents' Testimony:

David Galt, Administrator, Montana Motor Carrier Services Division, stated the department urges support of HB 180. The changes in this bill will tighten the application for special mobile equipment license plate. Over the years many vehicles have been licensed under this "special mobile equipment" classification. Farm tractors and concrete mixers are deleted from the definition of this bill because farm tractors are implements of husbandry and used in farm or ranch operations. Concrete mixers, in this section, are small mixers on wheels which are towed to the job site. These vehicles are special mobile (SM) equipment. This section can be applied to mixer trucks. The bill will provide more control over special mobile equipment, eliminate confusion, and should not impact the industry.

Dean Roberts, Department of Justice, Motor Vehicle Division, spoke in support of the bill. He stated it has been a problem over the years for law enforcement, highway patrol, county treasurers, and the GVW Division to determine what is an SM. SM's are purchased through county treasurer offices and we probably receive one or two calls a day asking us, the Motor Vehicles Division, "is this an SM?". This bill clarifies the definition of what a special mobile vehicle is and cleans up the language.

Pam Langley, Executive Director of the Montana Agricultural Business Association, presented written testimony. EXHIBIT 1

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. VOGEL asked Mr. Galt if a concrete mixer pulling a small trailer is classified as a trailer or is it part of the truck? Mr. Galt responded those are extendible axles and are part of the mixer.

REP. KELLER asked Ms. Langley how the amendments apply to trailers that carry fertilizer? Ms. Langley responded that the suggested amendment is specific to trailers used to apply fertilizer in the field. She urged the committee to amend the bill as stated in her written testimony.

REP. STANFORD asked Mr. Roberts how this bill affected four-

wheelers since they are not designed to be on the road. Mr. Roberts answered that although the manufacturers say four-wheelers are not street legal, removing them from liability. You can make them street legal by meeting certain requirements and are examined and certified by a law enforcement officer.

REP. TASH asked Mr. Roberts if a mobile home that is used as a emergency vehicle for search and rescue is exempt. Mr. Roberts answered yes, it would have an exempt plate.

REP. VOGEL asked Mr. Galt how this amendment would affect the status of this bill? Mr. Galt responded they currently allow, by administrative rule, what this amendment states.


REP. HANSON asked Mr. Galt if a swather or a bale wagon are included in this bill? Mr. Galt responded affirmatively.


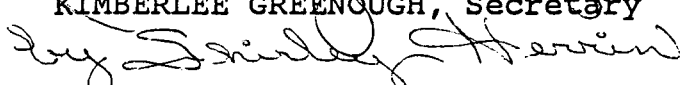
Closing by Sponsor:

REP. ANDERSON urged the committee to give HB 180 a do pass recommendation and thanked them for their time and attention.

ADJOURNMENT

Adjournment: 3:20 p.m.


KARYL WINSLOW, Vice Chairman


KIMBERLEE GREENOUGH, Secretary


KW/kg

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE

January 20, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON			✓
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN		✓	
CHAIR BOB CLARK			✓

Testimony Jan. 20, 1992
House Bill 180
Montana Agricultural Business Association

EXHIBIT
DATE 1-20-93
180

Mr. Chairman, members of the committee, for the record, my name is Pam Langley and I am the executive director of the Montana Agricultural Business Association. MABA represents the majority of the fertilizer dealers and applicators in the state.

We are here today neither as a proponent or an opponent of this bill but to ask for clarification in law of the current practice of classifying trailers used in the field for application of fertilizer as SM vehicles.

This has been an ongoing issue because it is not clear in law. Anhydrous ammonia trailers pulled behind the farmer's tractor have been being classified as SM vehicles by rule in the department. Our members discussed this at length in 1985 with the department but the issue has arisen again with a change in personnel in the department.

It's important to note that these trailers are used primarily in the field and only on the highway or more commonly rural roads incidentally to get them to the field. In addition, if a farmer owned them, they would be considered an implement of husbandry.

Our prime problem reason in wanting them to continue to be SM vehicles is not the fees but the fact that brakes are required on other vehicles. While that's fine on the road, it's not possible in the field where they are primarily used.

We ask you to amend the bill and have some suggested language. It would be helpful to both the department and agribusiness to have clear direction from the Legislature. Thank you.

SUGGESTED AMENDMENT

Line 17 after "apparatus," insert: "trailers used to apply fertilizer in the field,"

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highways & Transportation COMMITTEE BILL NO. HB 180
DATE 1-20-93 SPONSOR(S) Rep. Anderson

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Dave GALT	MDT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Roberts	Dept. of Justice - mvd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pam Langley	Montana AgriBusiness Assn.	<input type="checkbox"/>	<input type="checkbox"/>
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.