

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By CHAIRMAN ROBERT C. CLARK, on February 3, 1993,  
at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Rep. Bob Clark, Chairman (R)  
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. Don Larson (D)  
Rep. Gary Mason (R)  
Rep. Bill Ryan (D)  
Rep. Wayne Stanford (D)  
Rep. Bill Tash (R)  
Rep. Randy Vogel (R)

**Members Excused:** Rep. David Ewer (D)  
Rep. Tim Whalen (D)

**Members Absent:** None.

**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: SB 133, HB 336  
Executive Action: SB 133, HB 270

**HEARING ON SB 133**

**Opening Statement by Sponsor:**

SEN. JOHN HERTEL, Senate District 15, Moore, said that SB 133 is a simple bill which states that anyone operating a vehicle in a construction area on a state highway must abide by the posted speed limit. When it says everyone it also means people who are operating a vehicle in a construction area. The current law

states there is a 35 mile per hour speed limit on the highway where construction or repair is underway. They are trying to enforce that everyone goes the posted speed limit, including the construction workers. The highway patrol does not seem to have the jurisdiction to enforce these speed limits on construction workers. There have been some real problems arise from this situation so we are trying to put some teeth into the law for the safety of all that are on the road. He has requested that **Mr. Barnard** close for him.

**Proponents' Testimony:**

**Tom Barnard, Montana Department of Transportation**, stated that current law excludes the construction work zones for construction workers and equipment. Tickets were written to contractor vehicles and were contested. If you allow construction vehicles to exceed the speed limit it would cause a serious safety problem.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions From Committee Members and Responses:**

**REP. MASON**, asked if this could be negotiated into the contracts not the law. **Mr. Barnard**, stated the law could not be enforced this way.

**REP. VOGEL** asked **Col. Bob Griffith, Chief Administrator, Highway Patrol Division, Department of Justice**, if the highway was gravel, the portion being constructed was gravel, will the trucks on the other side of the road be effected. **Col. Griffith** stated that it would effect any truck in the construction area. He also stated that they were exempt from any of the laws while working on the highway, even if they had a drivers license.

**REP. VOGEL** asked if it is considered a highway or is it still considered private property before it is actually made into a highway. **Col. Griffith** stated that the highway has the right-of-way before a road is built.

**REP. GALVIN** asked if there is an effective date. **CHAIRMAN CLARK** stated it would be October 1, 1993.

**Closing by Sponsor:**

**Tom Barnard closing for Senator Hertel**, stated that they recommend a Be Concurred In vote on this bill. This is a safety bill. The Contractors' Association were in favor of this bill and urged the committee's concurrence on SB 133.

HEARING ON HB 336Opening Statement by Sponsor:

REP. JODY BIRD, House District 52, Superior, stated this bill was being introduced at the request of county treasurers. HB 336 abolishes the requirement that the vehicle owner have certified proof of compliance with the financial responsibility law prior to registering his or her vehicle. It is unlawful to operate a vehicle without insurance. REP. BIRD stated SEN. DOHERTY had a similar bill but the fines were different.

Proponents' Testimony:

Stan Hughes, Montana County Treasurers' Association, Gallatin Valley Treasurer, Bozeman, stated that they are speaking in favor of this bill and asking the committee's support. The idea is to get uninsured motorists off the road. The current statute is not the way to accomplish that goal, it is not enforceable and takes time in the motor vehicle lines. If someone does sign in good faith that they have insurance at the time, it is only for that day or that afternoon. The following day they may not have insurance and are signing in good faith it is only applicable at that particular moment. The reason the county treasurers support this bill is no one has ever been prosecuted in Montana for falsely swearing by signing this form. It would be nearly impossible to prove the person did not have insurance at the time that they signed. The only way to prove it would be to go to every licensed insurance company in the state of Montana to verify that the individual did or did not have coverage at the time of signing. The current law serves no purpose.

Dean Roberts, Montana Department of Transportation, stated that SB 153 was going to have executive action taken on it soon. SB 153 was a comprehensive penalty bill for not having insurance. The citizens of Montana believe the penalty for not having insurance was not great enough. There was no way to prosecute the people signing and who did not have insurance. The department believes it is important to give instruction to people that they must have insurance before they drive a vehicle. The penalties in SB 153 are much more severe.

Cort Harrington, Montana County Treasurers' Association, stated that this bill refers to the particular problem treasurers have with the signing. His concern is this is a narrow bill when the Senate bills are much broader. He sees a problem withholding this bill.

Opponents' Testimony: None.

Informational Testimony: None.

**Questions From Committee Members and Responses:**

**REP. LARSON** stated that the driver who has insurance is noted on the registration. **Mr. Roberts** said the language on the signature would be basically the same.

**REP. LARSON** asked if the driver would be notified. **Mr. Roberts** stated yes.

**REP. LARSON** asked if there was a problem with a coordinating clause that states if SB 153 passed, HB 366 dies. **Mr. Roberts** indicated that would be fine.

**REP. VOGEL** said in section one, the old language stated a person must get insurance before they register the vehicle; the new section states before they can operate the vehicle. He stated that there is a big gap there. **Mr. Harrington** said he agrees that it should be changed. The change in this bill is simply to coordinate it with SB 153.

**REP. HANSON** asked if she bought a vehicle would she have to have insurance in order to drive it home. **Mr. Roberts** replied yes, current law says you must have liability insurance.

**REP. MASON** asked if SB 153 covered the non-insured motorists that could get plates. **Mr. Roberts** stated yes, it makes it mandatory for the courts to take the plates in their possession. The plates would be removed on second and third offense, not first offense.

**Rep. Mason** asked if, on the first offense they do not have insurance, were we going to turn them loose. **Mr. Roberts** stated that it would be a mandatory \$500.00 fine. Currently the courts can fine up to \$500.00.

**Closing by Sponsor:**

**REP. BIRD** said that any questions would be answered by Ms. Lane.

**EXECUTIVE ACTION ON SB 133**

**Motion:** REPRESENTATIVE MOVED SB 133 BE CONCURRED IN.

**Vote:** Motion CARRIED unanimously.

**EXECUTIVE ACTION ON HB 270**


**Motion:** REPRESENTATIVE VOGEL MOVED HB 270 BE TABLED.

**Vote:** Motion CARRIED unanimously.

ADJOURNMENT

Adjournment: 3:50 p.m.

  
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ROBERT C. CLARK, Chair

  
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KIMBERLEE GREENOUGH, Secretary

RC/kg

**HOUSE OF REPRESENTATIVES**  
**HIGHWAYS AND TRANSPORTATION COMMITTEE**

**ROLL CALL**

**DATE** Feb. 3, 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                 | ✓       |        |         |
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|                                 |         |        |         |

HOUSE STANDING COMMITTEE REPORT

February 4, 1993

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Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 133 (third reading copy -- blue) be concurred in .

Signed: Robert C. Clark  
Robert C. Clark, Chair

Carried by: Rep. Galvin

