

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT C. CLARK, on February 8, 1993,
at 3:20 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)
Rep. Tim Whalen (D)

Members Excused: David Ewer (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: HB 446, HB 385
Executive Action: HB 446, HB 385

HEARING ON HB 446

Opening Statement by Sponsor:

REP. BOB CLARK, House District 31, Ryegate, stated HB 446 establishes a minimum standard for certification of the Motor Carrier Services officers. This bill gives the officers the ability to have minimum standards for training. HB 446 is supported by the Board of Crime Control, Law Enforcement Academy

and the Department of Transportation.

Proponents' Testimony:

David Galt, Administrator, Motor Carrier Services Division, stated the Department of Transportation supports HB 446. The training would be under the control of the Police Officers' Standards of Training (P.O.S.T.) Council. Motor Carrier Services (MCS) officers occasionally place people under arrest, inspect cargo, and seize contraband. The officers have a need for specific law enforcement training to insure any procedures used are appropriate and within the scope of their authority. This proposal should not cause additional cost to the program or to the Montana Law Enforcement Academy.

Ed Hall, Administrator, Board of Crime Control, stated the Department of Transportation met with P.O.S.T. Director Gene Kieser and discussed having the MCS officers come under the P.O.S.T. The training would be in conjunction with the academy. There would be no cost increase for the board to administer the standards. The training is already in place at the academy for peace officers. There would be no anticipated increase in costs.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. VOGEL asked how the employees felt about the training. Mr. Galt stated they would like to see MCS involved in the entire law enforcement academy and are supportive of this.

Closing by Sponsor:

REP. CLARK thanked the committee and closed.

HEARING ON HB 385

Opening Statement by Sponsor:

REP. DICK SIMPKINS, House District 39, Great Falls, stated HB 385 will exclude a facility in the business of reselling junk vehicles exclusively for metal recovery from the licensing requirements. There are several of these types of businesses in the state. They sell metal by weight and are not selling component parts of the vehicles. They would like to be exempt from the licensing requirement. This bill would also exempt them from the \$50.00 license fee. The Motor Vehicle Division would like to amend the bill and REP. SIMPKINS stated he does not agree with the amendments being proposed.

Proponents' Testimony:

Bud Schoen, Motor Vehicle Division, stated they are neutral on HB 385. If the bill passes the metal recovery facilities will no longer be required to keep records and report to the Motor Vehicle Division any junk vehicles they have received. We would not have a problem if they received these junk vehicles only from county grave yards who have already turned those records in. We do have a problem with the general public being able to bring vehicles in from out-of-state where we have not seen the records. Mr. Schoen stated they have amendments to propose. EXHIBIT 1.

Opponents' Testimony:

Bill Romine, attorney representing Henry Lohr, stated he feels this is a bad piece of legislation. EXHIBIT 2

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. TASH asked what the recycler's do with the components that cannot be sold for recovery and if the engine blocks are sold for recovery. REP. SIMPKINS stated the engine blocks are sold and are in high demand for metal recovery. The car is flattened and sold by the pound. There are not many components left, however, what is left is put into salvage and sold by the ton.

CHAIRMAN CLARK asked if there is a fiscal note on this bill considering the fact that there will be a number of people who will not have to pay license fees. REP. SIMPKINS stated the only thing that would be shown would be a \$50.00 fee. He stated it should not have a large fiscal impact because it is a fee.

CHAIRMAN CLARK asked how many \$50.00 dollar fees this bill would affect. Mr. Stankey stated this would affect about seventeen of these types of businesses. The loss would be approximately \$850.

REP. ANDERSON stated REP. SIMPKINS said he would have no objection to sending in the registration of the vehicle. REP. SIMPKINS stated they contend that they are not in the vehicle wrecking facility business and therefore should not be in the business of keeping track of these records.

REP. VOGEL said if this bill passes, the recycler's do not have to keep track of the vehicles a person brings in off the street. REP. SIMPKINS stated they could amend the bill to state as long as a vehicle was obtained from an approved wrecking facility and that would cover that situation.

REP. VOGEL stated if we do not change this bill a stolen vehicle could be taken to one of these recycling businesses and never be tracked. REP. SIMPKINS said they should not be involved in that business because it should go to a wrecking facility.

Closing by Sponsor:

REP. SIMPKINS stated some of these recycler's own businesses in other states and Montana is the only state which requires them to be licensed as a wrecking facility. The changes proposed could be added to the bill. They are only a recycling facility and that is the only business they are in.

EXECUTIVE ACTION ON HB 446

Motion: REP. VOGEL MOVED HB 446 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 385

Motion: REP. LARSON MOVED HB 385 DO NOT PASS.

Discussion: REP. LARSON stated HB 385 is discriminatory against the small junk yard dealers.

REP. ANDERSON stated this would hamper the department's ability to track vehicles and especially stolen vehicles.

REP. GALVIN stated one of the opponents indicated the difficulty arises for state authorities to track vehicles and parts. The bill is discriminatory and is bad legislation.

REP. VOGEL stated Montana is one of the easiest states to license a stolen vehicle in the nation. This bill would continue that.

REP. RYAN stated the intent of this bill is to take away some of the burden of record-keeping. The scope of the bill is too vast.

REP. VOGEL stated burdensome record-keeping goes along with vehicles. That is not a legitimate reason.

Vote: Motion carried with REP. RYAN voting no.

Motion/Vote: REP. HANSON MADE A SUBSTITUTE MOTION HB 385 BE TABLED. Motion carried with REP. STANFORD voting no.

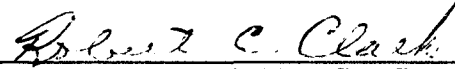
HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

February 8, 1993

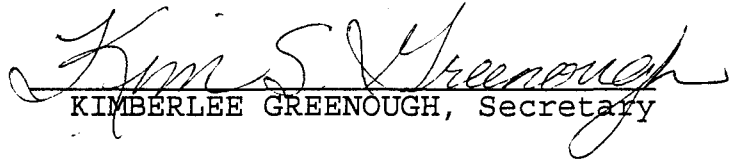
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ADJOURNMENT

Adjournment: 4:00 p.m.



ROBERT C. CLARK, Chair



KIMBERLEE GREENOUGH, Secretary

RC/kg

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE February 8, 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	✓		

HOUSE STANDING COMMITTEE REPORT

February 9, 1993

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Mr. Speaker: We, the committee on Highways and Transportation
report that House Bill 446 (first reading copy -- white) do
pass .

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

Committee Vote:
Yes 12, No 5.

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**AMENDMENT TO HOUSE BILL NO. 385
FIRST READING COPY
PREPARED BY THE DEPARTMENT OF JUSTICE
FEBRUARY 5, 1993**

EXHIBIT
DATE 2-8-93
HR 385

1. Page 1, line 8
Following: "75-10-501"
Strike: "and"
Following: "75-10-511,"
Insert: "75-10-512 and 75-10-513"
2. Page 4
Following: line 6
Insert: "Section 3. Section 75-10-512 is amended to read:

"75-10-512. Records required of facilities. (1) Every motor vehicle wrecking facility and a facility in the business of reselling junk vehicles exclusively for the purpose of metal recovery shall maintain books or files in which are kept a record and description of every junk vehicle obtained by it, together with the name and address of the person from whom the vehicle was purchased.

- (2) This record shall also contain:
 - (a) the certificate of ownership, sheriff's certificate of sale, notarized bill of sale from the former owner or person selling the vehicle, release of ownership or interest in the motor vehicle, or sheriff's release;
 - (b) the name of the state where the vehicle was last registered;
 - (c) the make of the vehicle;
 - (d) the motor or identification number or serial number.
 - (e) the date purchased;
 - (f) the disposition of the vehicle.
- (3) An authorized representative of the department of justice who presents his credentials may also inspect, have access to, and copy records required under this section.

Section 4. Section 75-10-513 is amended to read:

75-10-513. Disposal of junk vehicles-fees and records. (1) When a motor vehicle wrecking facility or a facility in the business of reselling junk vehicles exclusively for the purpose of metal recovery submits a junk vehicle to the disposal program, it shall pay a disposal fee of \$2 for each vehicle submitted, and the vehicle is then the property of the state.

(2) Quarterly, each wrecking facility and each facility in the business of reselling junk vehicles exclusively for the purpose of metal recovery shall mail to the department of justice a list, on a form approved by the department of justice, of all junk vehicles received during the quarter, stating the year, make, and the complete identification number of each vehicle. Any certificate of ownership received for vehicles must accompany each list. The department of justice shall issue a receipt of [for] the certificate of ownership if requested by the licensed facility, and such receipt may serve as an instrument for reclaiming the certificate of ownership if the vehicle is rebuilt.

(3) A motor vehicle graveyard shall submit to the department the records, documents, and other information concerning junk vehicles received by it that are required by rules of the department.

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Bill Romine BILL NO. HB 385

ADDRESS Box 1691 Helena 59624 DATE 2-8-93

WHOM DO YOU REPRESENT? Henry Lohr

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: This Bill will exempt two (or possibly three)
businesses from existing law and will discriminate
against the other working yards in the state. It
makes no difference if a facility sells junk vehicles
to the public or to a crusher. Auto parts are still
visible and an eyesore. Titles still must be
tracked by Deer Lodge. The whole purpose of the
motor vehicle recycling law will be frustrated
by this Bill. Who will police these facilities
to make sure they don't sell a transmission from
one of their yards to an individual who needs
one? Who will take up the monetary slack
when these facilities no longer have to pay their
license fees? -- the other yards that are licensed?

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Highway & Transportation COMMITTEE BILL NO. HB 385, HB 44
DATE 2-8-93 SPONSOR(S) Clark & Simpkins

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bill Romine Box 1691 Helena 59624	Henry Lohr		HB 385
Dave GALT	MDT	✓ 446	
Darrell Stankey	MDH&ES / SHWB		
Ed Hall	MBCC	✓ 446	
But Schorn	MAJOR VEHICLE DIV.		
Greg Van Horssen	State Farm Ins. Co.	✓ as amended by D.M.V.	

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