

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on March 11, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. Francis Koehnke (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: Sen. Rea

Members Absent: Sen. Harp

Staff Present: Tom Gomez, Legislative Council
Beth Satre, Committee Secretary

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

Committee Business Summary:

Hearing: HB 397, HB 478, SB 373
Executive Action:

HEARING ON HOUSE BILL 397

Opening Statement by Sponsor:

Rep. McCollough, House District 96, said HB 397 would improve the security of Montana's driver's license and identification card (ID). He said a more secure driver's license is necessary not only for the protection of Montanans' primary document of identification, but also because the federal government might question the security of Montana's commercial license as well. He stated the present license issued by the Motor-Vehicle Division can be easily copied with the right equipment. If HB 397 is adopted, **Rep. McCollough** said digital imaging would replace the old 35 millimeter (mm) picture process. He added newly available security features would be incorporated into the driver's licenses. He said HB 397 would also provide for fee increases which would more than pay for the new program. He

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added implementing computers to make driver's licenses would allow all counties to access the new automated driver's license system. According to Rep. McCollough, only fourteen counties currently have such access. He noted that the computers would be included in the price charged by the licensing contractor and would not pose any additional cost. Rep. McCollough distributed current Montana driver's licenses to committee members.

Rep. McCollough outlined the two fee increases contained in HB 397. He said the fee for a driving record request would be increased by \$1, from \$3 to \$4. He said between 300,000 and 400,000 driving record requests are processed per year, of which 90 percent are requested by insurance companies. He assured the Committee that the insurance industry was aware of the fee increase and was not opposed to HB 397. He stated HB 397 would also increase the fee for an ID card from \$1 to \$8, which would cover the cost of making the IDs. He noted that the House Taxation committee had removed two fee increases originally in HB 397, and, as a result, the fiscal note was incorrect. He pointed out the specific mistakes in the fiscal note, and stated the net General Fund impact of HB 397 would be \$292,300 for fiscal year (FY) 1994 and \$275,500 for FY 1995.

Rep. McCollough said HB 397 would provide additional benefits. He said ID cards would be available to everyone, not just individuals who do not have a driver's license or who have had their driver's license suspended. According to Rep. McCollough, a magnetic stripe would be attached to the back of the license. He assured the Committee that the House had amended HB 397 to stipulate that only the information on the front of the driver's license could be stored on the magnetic strip. He added that the company with which the state already contracts possesses the necessary equipment to manufacture the new driver's licenses, so these licenses would be phased-in within four years. He informed the Committee that all of the Montana driver's licenses he had previously distributed were fake IDs, thereby demonstrating the ease with which an individual can either alter or falsify a Montana driver's license.

Proponents' Testimony:

Dean Roberts, Administrator Motor-Vehicle Division, Department of Justice, passed out a brochure which displayed and explained the equipment used to produce the driver's licenses (Exhibit #1). He explained that a television picture of the individual applying for a driver's license would be taken, pre-framed, changed into computer language, transferred onto either a floppy disc or tape and sent to the company which currently makes Montana's driver's licenses as well as California's. According to Dean Roberts, the process currently used in Montana is cumbersome and archaic; occasionally a roll of film is lost in rural areas and everybody has to have their pictures retaken. He stated that using the new technology would have many benefits for the consumer and law enforcement: Consumers can preview their driver's license picture; a good clean driver's license will be produced every

time; imaging would make Montana driver's licenses almost impossible to duplicate or falsify; and law enforcement agencies would have almost instant access to clear photographs vital for identification purposes.

Dean Roberts said approximately 30 percent of the high school and college students under 21 in Montana have false IDs. He added law enforcement officials in other states had informed him that Montana driver's licenses are the easiest in the country to duplicate. He stated this ease poses a problem because most people, including retail establishments and law enforcement agencies, respect a driver's license and consider it a secure document. Using two different pictures of suspects, one from California and one from Helena, **Dean Roberts** demonstrated the advantage law enforcement would gain from the new digitalized system. The picture from California was faxed on their digital machine in ten seconds and was clear and easily recognizable. The picture faxed from one floor to another at the Department of Justice took one hour to produce and was unclear; key features of the individual were undistinguishable. **Dean Roberts** added that Montana law enforcement can never get a color photo from a Montana driver's license, but color photos are available within two days using the California system.

Dean Roberts said the magnetic strip, which would be affixed to the back of the new driver's licenses would also have many advantages. He stated it would make the driver's license more secure and would eventually allow both the retail community and law enforcement to swipe that magnetic stripe and automatically transfer the information on the face of that driver's license to their document. **Dean Roberts** added this new technology would also allow other methods of streamlining the driver's license program. He cited as examples the issuing of duplicate licenses or the renewing of licenses by mail.

Dean Roberts explained the picture of a person under 21 would be in a different place on the driver's license than a person over 21. He added the words "not 21 until the person's birthdate" would be automatically stamped on the front of driver's licenses if appropriate. He added hologram material would also be incorporated into the new driver's licenses and would add more security features. He concluded if the new driver's licenses saved one young person's life, the new program would have proven its worth. He said in rural Montana, kids do not drink in their home town; they drive to the next town which makes drinking and driving a serious problem.

Rep. Vogel, House District 86, said he has been a police officer for over 19 years and has seen a tremendous amount of fake IDs. He stated law enforcement is not only concerned about the fake IDs and the integrity of the driver's license system, but also the fact that the current driver's licenses are difficult to read. He said most driver's licenses are dirty or worn and almost impossible to read at night under a street light, with a

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headlight, or flashing lights. Rep. Vogel noted that Dean Roberts had asked him to help design the new driver's licenses so that they would be easy to read under less than perfect conditions. Rep. Vogel said HB 397 would allow the implementation of a good system.

Frank DiFonzo, Sidney Chief of Police, read from prepared testimony (Exhibit #2).

Bill Fleiner, Board Member, Montana Sheriff and Peace Officers Association, said his Department had confiscated a board used to make false Montana driver's licenses and believed another board was "traveling across the country". He explained that people simply step in front of the board, have their picture taken, it is simply laminated and their fake ID is finished. Bill Fleiner also alluded to the problems law enforcement has in obtaining pictures of suspects in order to identify them. He stated the Helena Sheriff's Department was recently investigating a capital crime and could not rely on the Justice Department to provide them with a picture of a suspect because of time constraints. He stated that Montana's law enforcement needs a better system.

Frank Cannon, Manger of Helena County Market and Chairman of Montana Food Distributors Association, said determining the age of customers and the validity of the ID proffered for the purchase of alcohol is one of the most difficult jobs of the checker. He stated that being able to scan a driver's license and take the information off the scan bar would dramatically increase checkers' ability to do their jobs. He stated Lewis and Clark county requires driver's license numbers and would also like personal descriptions on every check if a legal question arises. He said he had handed his wife his driver's license and asked her to write down four things: his weight, height, sex, and eye color. According to Mr. Cannon, his wife needed 25 seconds to transfer the information from his driver's license onto a sheet of paper. He stated his store received 34,524 checks in September 1992 and based on 15 seconds instead of 25 seconds per check, checkers needed 36 hours per week just to put the required information on the back of each check. He noted being able to transfer this information automatically by scanning would be a great benefit. He commented that a possible use of the magnetic strip would be a debit card for food stamps, which would dramatically decrease the time needed for handling food stamps.

Bill Stevens, Montana Food Distributors Association, expressed the support of his organization, especially on behalf of the organization's convenient store members. He explained convenient stores have a particular problem because people under 21 often try to buy beer at those stores.

Opponents' Testimony: None.

Informational Testimony: None.

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Questions From Committee Members and Responses:

SEN. TOEWS said he did not believe that fake IDs were the only means by which people under 21 obtained alcohol. He asked **Frank DiFonzo, Sidney Chief of Police** to respond. **Frank DiFonzo** said he had not intended to say that HB 397 would completely stop "youngsters" from drinking and driving and being killed in driving accidents. He stated, however, HB 397 would take away one avenue which people under 21 often use to obtain alcohol. He added, if just one avenue is eliminated, then the measure is well worth the time.

SEN. KOEHNKE asked if pictures of underaged people would be on the right side and all other pictures on the left side of the driver's license if HB 397 were adopted. **Dean Roberts** said the Montana driver's license would resemble the California driver's license. He added on the driver's licenses of underaged people, the words "under 21 until that person's birthdate" would be stamped on the front of the license.

SEN. KOEHNKE asked whether people under 21 would need to get another driver's license when they turn 21. **Dean Roberts** replied because the driver's license would specify their birthdate, those people would use that license until it expires.

SEN. KOEHNKE recalled that people under 21 needed to have their driver's license picture taken in profile. He asked if profile photographs were still required. **Dean Roberts** replied people under 21 are required to have profile picture on their driver's license. He stated the technique which would be used on the new driver's licenses was a lot simpler and more effective. He commented that most retailers no longer know the meaning of the profile shot.

SEN. SWYSGOOD asked how HB 397 would stop people under 21 from obtaining and using fake IDs. **Frank DiFonzo** said HB 397 would make Montana's driver's license almost impossible to copy. He stated that currently it is easy to produce a fake license. He explained the simple procedure for making fake IDs, people set up a poster board, use an overhead projector to shine the Montana seal on the board to color the it in, stick up a box with numbers. He said people stand in front of the board and have their picture taken. He added fake IDs are being sold for as much as \$50-\$60 each.

SEN. SWYSGOOD asked if HB 397 would be funded out of the General Fund at a cost of \$178,200 the first year of the biennium and \$195,000 the second year. **Rep. McCollough** replied yes. He stated section four contained some errors because HB 397 originally funded a full time employee (FTE). He explained the FTE was no longer needed, and section four should indicate the need for only \$178,200 in FY 1994 and \$195,000 in FY 1994. He added he had talked with **SEN. STANG**, who would be offering an amendment to correct the figures in section four.

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Since about \$373,000 would need to be appropriated from the General Fund to finance the new driver's license program, **SEN. SWYSGOOD** asked if HB 397 had been approved by the House Committee on Appropriations. **Rep. McCollough** replied he had talked with the House Appropriation's Chair, who had deemed hearing the HB 397 unnecessary because it would have a positive net General Fund impact of \$292,300 in FY 1994 and \$275,500 in FY 1995.

SEN. STANG asked whether any state has a method by which the information on the magnetic strip could be stored by a retailer if a person had presented either a fake or borrowed ID. He said that capability would be of great benefit to a retailer if an case an attempt was made to file charges against the store. **Dean Roberts** said such a method is not currently in use, but the possibility would exist as communication technology advances. He added communication technology could advance far enough so that the state could charge a retailer two cents every time they swiped a magnetic strip.

SEN. STANG asked how much more difficult the magnetic strip and hologram material would make the duplication of Montana's driver's licenses. **Dean Roberts** replied virtually impossible. He added the key is the hologram material which is not readily available and disintegrates if an attempt is made to alter the drivers license.

CHAIRMAN WEEDING asked if encoding an individual's residence on the magnetic strip would not violate the law which forbids the dissemination of an individual's address. **Dean Roberts** replied a law was adopted last session which stipulated that the state could not disseminate residence addresses. He explained, however, that when individuals give their driver's license to someone they are also freely giving out their address.

SEN. TOEWS asked if the method HB 397 would use to solve the problem of Montana's driver's license was "overkill". He stated since the Justice Department was involved in this program, he was worried the next step would be placing tracers in all driver's licenses. He asked if any less aggressive method existed which could address the problems with Montana's driver's licenses. **Dean Roberts** replied the only information which could be contained on the magnetic strip would be that information already on the front of the driver's license. He stated driver's licenses are freely given to retailers, who can currently copy all the information they want.

SEN. STANG said **SEN. TOEWS** was concerned that the magnetic strip on the back of driver's license could be used to track people, much like law enforcement can find out the last location a person used their credit card by calling the credit card company. He asked if the magnetic strip was not the next step toward a record being established every time a person used their driver's license to write a check. **Dean Roberts** replied it would not be possible to compile any more of a record than what is compiled now. He

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stated law enforcement officials would still need to know that an individual went to County Market before they could request that information. He added retailers can currently enter an individual's driver's license number into the store's computer.

SEN. STANG asked whether it would be possible to tie the information on the magnetic strips into a system similar to that currently used by credit card companies. **Dean Roberts** replied no.

SEN. MCCLERNAN asked what sort of machine would be used to swipe the magnetic strips and who would pay for it. **SEN. STANG** replied his store accepts credit cards and purchased a machine through Conoco which is networked with Conoco headquarters. He explained whenever a store employee swipes a credit card, the store's account is automatically credited. He stated a record of all transactions is kept at the Conoco headquarters, and the store prints out and keeps a receipt which the customer signs. **SEN. STANG** said he assumed that when driver's license were swiped, the proper equipment could automatically print that person's name, age and ID number on either a flasher or piece of paper.

SEN. MCCLERNAN asked if stores would buy that piece of equipment. **SEN. STANG** said it would depend upon the number of people that used it and the cost of the equipment. He added such a piece of equipment could be valuable to a store, because if it stopped that store from selling beer to a minor, that equipment could save that store from losing its liquor license.

SEN. SWYSGOOD asked that the fee increases contained in HB 397 be explained. **Rep. McCollough** replied fees would be increased in only two instances. He said the fee accompanying an individual driving record request would be raised from \$3 to \$4 after July 1, 1993. He added the other fee increase would be for an ID card, which will cost \$8 instead of \$1. He explained the \$7 increase in that fee would cover the cost of issuing ID cards to all those who wants them.

SEN. SWYSGOOD asked if anybody who wants an ID card, could currently get one at no cost. **Rep. McCollough** said after June 30, 1993 an ID card will cost \$8. He explained that ID cards currently cost only \$1 but added that only those people who do not have a driver's license or who have had their driver's license suspended can obtain an ID card.

SEN. SWYSGOOD asked whether it would cost any more to get his current driver's license renewed under HB 397. **Rep. McCollough** replied no, and added "that is beauty of" this plan.

Closing by Sponsor:

Rep. McCollough stated he was sensitive to the concerns raised by **SEN. TOEWS**, and noted the House Taxation Committee had added the amendment limiting the information on the magnetic strip. In response to **SEN. STANG's** questions about tracking people, **Rep.**

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McCollough stated that credit card companies have a central processing system and charge a fee to use their services. He stated there would be no similar central processing system connected with Montana's driver's licenses which would make following the actions of one particular consumer difficult. He said nothing is 100 percent effective and the new driver's license would not prevent all underaged people from buying alcohol. He concluded, "they say you cannot build a perfect mouse trap, but HB 397 will hopefully will build a better one".

HEARING ON HOUSE BILL 478

Opening Statement by Sponsor:

Rep. Toole, House District 60, stated HB 478 would revise the handicap parking law in four ways. He said the first revision would create an exemption in the littering law for notices of violation, which are placed on the windshield of a car illegally parked in a handicapped space. He stated the second revision would provide that decals displaying the violation and penalty be affixed to all handicapped parking signs which exist on October 1, 1993. According to **Rep. Toole** the third revision would subject all newly issued handicapped parking permits to a four-year cycle. He explained currently those permits are permanent and there is no follow-up to determine if those permits are still being used appropriately. He said HB 478 would initially have converted all permits to a four-year cycle, but because of the fiscal impact it was decided that existing permits should not be affected. **Rep. Toole** said HB 478 would also increase the fine for parking illegally in a handicapped parking space from \$50 to \$100 for private and to \$200 for commercial vehicles. He stated that because handicapped parking spaces are all certified and signed, illegally parking in one constitutes a serious inconvenience for the people who need those spaces.

Rep. Toole submitted some amendments to the Committee for consideration which would allocate half of the new fine revenue to the Independent Living Centers in Montana (Exhibit #3). He said the Independent Living Centers had hoped the Legislature would appropriate some funds to assist with independent living center projects. Since little or no money will be appropriated from the General Funds for these projects, **Rep. Toole** stated an allocation of the new money that may be collected from these new fine would provide a small start.

Proponents' Testimony:

Michael Regnier, Advocacy Coordinator at Summit Independent Living Center and State Vice-President for the Coalition of Montanans Concerned With Disabilities, said HB 478 would primarily increase the factors which deter people from parking in spaces reserved for the handicapped. He stated the increased fines coupled with the use of decals would improve the deterrence factor in Montana. He entered a paper containing a study of the impact of decals and their deterrent effect into the record (Exhibit #4). He stated previous studies had found that periodic

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"crack-downs" by local law enforcement were a relatively effective but expensive means of deterring the unauthorized use of handicapped parking spaces. He said that ticketing and enforcement proceedings occur in less than one percent of the observed violations. He stated the warning signs appear to be quite effective, and are a less expensive alternative.

Michael Regnier commented on the exemption from local littering ordinances HB 483 provided for notices of violations. He said placing such notices on windshields of inappropriately parked vehicles is a common practice occurring all over the country. He said the recertification process would also reduce abuse of handicapped parking permits. In reference to the larger fines for commercial vehicles, **Michael Regnier** stated those vehicles are perhaps the worst offenders, since the drivers think they will only be a minute. He added when that space is the only one accessible for handicapped people, the disabled are forced to wait. He added that the violations involving commercial vehicles are the most difficult to enforce and the high fine would provide an extra deterrent.

Mr. Regnier emphasized that HB 478 was requested and sponsored by the disability community. He explained his Center had obtained a grant to carry out need-assessment surveys, and the results in the four counties his Center serves showed that accessible parking was the number one priority in two counties and "way up at the top of the list" in the other two.

Jim Meldrum, Montana Independent Living Project in Helena, submitted written testimony and stated HB 478 was one of the most important bills of this session for the disabled individual (Exhibit #5). He said in the 14 counties his organization serves, notices are put on inappropriately parked vehicles to great effect. He also agreed with the previous testimony which indicated that commercial vehicles are the worst offenders. He added that accessible parking is a key issue for the disabled community since disabled individuals are not able to take advantage of services without it.

SEN. BRUSKI-MAUS related a personal incident involving handicapped parking. She said the \$100 fine was appropriate, but cautioned that those people enforcing the parking ordinances need to be aware of the various methods which states use to identify cars transporting handicapped individuals.

June Hermanson, The Four Independent Living Centers in Montana, and Chair, Independent Living Advisory Council, expressed her support of HB 483 and discussed the amendment which **Rep. Toole** had submitted to the Committee (Exhibit #3). She explained four Independent Living Centers provide services for the entire state, and reminded the Committee that those centers serve people with severe disabilities, some of which are a result of highway accidents. The money which the amendment would earmark for the centers would be invested in service delivery systems for the

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severely disabled. She said HB 478 would generate new revenue which could be used to provide services for the disabled community.

Dean Roberts, Administrator Motor-Vehicle Division, said the Department of Justice no longer has "any problem" with HB 478. He explained the only section which his Department could not support had been amended and was no longer a source of departmental concern. He informed the Committee that the Motor-Vehicle Division issued both the handicapped placards and licenses.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. SWYSGOOD expressed his agreement with most of HB 478. He disagreed, however, with the different fines assessed for private and commercial vehicles. He stated as long as the handicapped parking laws are not enforced, it would not make any difference if commercial vehicles were fined \$500. He said an enforced \$100 fine would be a bigger deterrent than a \$200 fine which was not enforced. He stated fines need to be enforced to be effective. He asked **Rep. Toole** to respond. **Rep. Toole** said the increased commercial penalty for commercial drivers is commensurate to the longer period of time they drive their vehicles, the character of their parking habits and the increased dilemma that they cause for handicapped individuals. He stated if the Committee decides to roll back the fine for commercial vehicles to \$100, experience may determine that the \$100 is an adequate deterrent for commercial vehicles. He stated if not, the disabled community would probably bring the issue up during the next legislative session. He stated his preference would be to leave the fine for commercial vehicles at \$200.

SEN. MCCLERNAN asked if the statute HB 478 would amend applied to private property as well as to public streets. **Rep. Toole** responded both HB 478 and the statute it would amend contain language referring to private as well as public property. He said the penalty provisions in HB 478 would "apply across the board".

CHAIRMAN WEEDING asked if those penalty provisions were existing law. **Rep. Toole** replied yes. He added HB 478 did not create any new statute, but revised existing law.

SEN. TOEWS noted **Rep. Toole** had commented that HB 478 would have no fiscal impact. He stated HB 478 would have a fiscal impact, not on the state budget, but on the individuals who needed handicapped parking permits. He said the four-year cycle would require individuals to regularly request a doctor's recommendation to qualify for the permits. He asked why the

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Motor-Vehicle Division personnel could not make that judgement. **Rep. Toole** replied the majority of people who have a disability and are going to be disabled for more than four years will have a disability which would not require a major examination to recertify. He stated whether or how much a doctor would charge for the letter of certification might vary by the individual. He added, however, the financial impact for disabled people would be very minimal.

CHAIRMAN WEEDING asked with what degree of diligence the police were enforcing the restricted parking zones. **James Meldrum** stated enforcement in the public parking lots in Helena is excellent, but in the private places officials are less diligent and occasionally need to be called. He added, however, the officials do come in and cite as soon as they are called.

SEN. MCCLERNAN commented said that Montana Tech Campus post handicapped parking lots with two signs: one which says "\$50 Fine" and one which says "don't even think about parking here". He stated that combination seemed to work.

SEN. KOEHNKE asked if individuals could still get handicapped parking permits to hang on their vehicle's mirror when they give a friend an occasional ride. **Dean Roberts** replied yes, those permits are issued by the Motor-Vehicle Division. He explained that two kinds of permits are issued, permanent and temporary, and added that both kinds of permits are dictated by doctors. He said the state has developed a form which the attending doctor fills out, and added the forms for a temporary permit include a time limit. He said prior to the adoption of HB 478 the permanent permits did not need to be renewed. He stressed the handicapped community had initiated the discussion about permits, since they feel these permits are abused. He noted that handicapped license plates will still be available and will remain permanent.

Michael Regnier commented those forms consist of a small statement on which the physician only needed to fill in a line. He stated he had never been charged for that service.

Closing by Sponsor:

Rep. Toole stated the list of things contained in HB 478 had been carefully considered. He emphasized that HB 478 had originated from the disabled community and was the highest priority for disabled people in this session.

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ADJOURNMENT

Adjournment: 4:28 p.m.


SENATOR CECIL WEEDING, Chair


BETH E. SATRE, Secretary

CW/bes

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORT. DATE MARCH 11, 1993

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Attach to each day's minutes

NBS

Imaging Systems Inc.

Digitized Color Imaging

SENATE HIGHWAYS
EXHIBIT 1
DATE 3/11/93
HB 397

The original document may be located at the Historical
Society, 225 North Roberts Street, Helena, MT, 59620-1201.
The phone number is 444-2694.

OVER THE COUNTER ISSUANCE

I'd like to thank you members of the Senate Highway Committee for allowing me to speak to you today in regards to House Bill 397. First of all, I'd like to introduce myself. My name is Frank DiFonzo. I am Chief of Police in Sidney, Montana. I've been in Law Enforcement for about 28 years, and I come here today to talk to you about something that I feel is very, very important. That is the need to improve the security of the Montana Driver's License and to take away the free avenue that we have unwittingly provided to our young people in this state by making Montana licenses the easiest driver's licenses in this country to copy.

SENATE HIGHWAYS

EXHIBIT NO. 2

DATE Monday, 11, 1993

BILL NO. HB 397

I begin by telling you that on February 6, 1993 sometime between 12:00 a.m. and 12:30 a.m., a light went out in my community--a very bright light. That light was a young man named Pat Jones. Pat was a Junior at Sidney Senior High School, and he was extremely popular with his classmates and his peers. Indeed most adults that ever met or had anything to do with Pat enjoyed his company. Pat Jones died in an automobile accident on Montana Highway 23, approximately 3-1/2 miles southeast of Sidney.

With Pat that night were two other 17 year old Sidney High School students, one of whom now lies in serious condition in a Billings hospital and who will have to, over the next several years, work

very, very hard to get his life back together, just to be able to meet the needs and challenges of adulthood. Because of his very serious injuries, he has a long road to follow, and hopefully he'll come back and be able to be a productive citizen. The third young man, while he didn't receive the same types of injuries as the other two boys--in fact had very minor injuries--will have the problem of coping for the rest of his life with the events of that night. He'll always question the fact that he walked away from the accident with very little injury while he lost one very close friend and will have to help another recover his life. You know, as I think about it, this young man may well have received the most serious injuries of any of those boys, on that fateful night of February 6, 1993.

EXHIBIT 2
DATE 3/11/93
HB 397

I would like to take a little time to explain why I bring this information to you and to tell you a little about what happened that evening.

Pat and his friends had traveled to the small North Dakota community of Alexander, where they met three other friends. These six young people decided that they wanted to go into one of the bars in that community. Subsequently they did go into one of the bars, and as nearly as we can determine spent some time there, approximately an hour to an hour and a half. It is not known how much alcohol was consumed, nor exactly what the circumstances were while they were in the bar, but investigation indicates that these boys did in fact spend time in a licensed liquor establishment in another state.

After spending about an hour and a half in the bar, the six young men left Alexander, three of them traveling back to Sidney by way of Fairview, Montana. The other three got into a vehicle which was driven by Pat Jones and traveled back to Sidney using North Dakota Highway 68 and Montana Highway 23. To give you some perspective, Alexander, North Dakota is approximately 40 to 45 miles from Sidney. The road that the boys used that night is a rural highway, there are no communities to travel through, and there was no other traffic. It is simply a lonely rural road. Now Pat was a responsible young man in most cases, and he had a curfew to meet. He also had a job at a local feedlot, which he had to be at early the next morning.

The time factor being what it was and the fact that Pat was trying to get home to meet his curfew probably caused him to do some things that he would not have normally done. As Pat and his friends approached Sidney, they were coming down off of a long hill, and according to the investigating officers from the Montana Highway Patrol and the local Sheriff's Office, and from statements obtained, it appears that they were traveling at an extremely high rate of speed when Pat lost control of his vehicle. It is estimated that the speed of his vehicle was somewhere between 115 and 120 miles per hour.

Indications at the scene and information received make us relatively sure that all of the young men in the vehicle had been drinking, and I am relatively sure that they had also been doing some drinking in North Dakota. I believe that the combination of speed and drinking caused Pat Jones to lose control of his vehicle after he had passed another westbound vehicle. He then slid out of control, across the highway, and into a ditch, striking some trees. The vehicle, a small Nissan Sentra, which is a small import type car, was completely demolished. Upon impact, the vehicle was torn in half, killing Pat instantly, critically injuring one passenger, and sending the third to the hospital in Sidney.

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I bring this information to you because at the time of the accident, investigating officers found a false Montana Driver's License in Pat's possession. At the time, this false driver's license was a topic of discussion amongst the investigating officers. It came to my attention, and I subsequently asked for and received the driver's license. Taking that information and feeling strongly enough about it, I proceeded to do some investigating on my own as to just exactly how common this practice of false Montana driver's licenses is. What I have found since then--while not all inclusive and I am sure there is much more information out there--is that this is a problem which has been going on for a number of years.

I was in fact able to locate and get into my possession, (which I might add is not an easy thing when you're dealing with young people who have the feeling that the only reason a police officer would want anything to do with them would be to charge them with something), approximately five or six false--absolutely false, not altered, not regular Montana licenses which have been changed, but **absolutely false** Montana driver's licenses. I might point out that the other two individuals with Pat that night at one time or another also had false Montana driver's licenses in their possession.

EXHIBIT 2
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Since the night of the accident, I have traveled to North Dakota and to the outlying areas around Sidney. I have checked in several liquor establishments in North Dakota--small places which are out of the way--and I find that the practice of youngsters from our community going to these outlying areas, driving 10, 20, 30 miles just to be able to "belly up to a bar" is a fairly common practice. I am told by the people that are running these establishments that there have been a lot of young people coming into their bars and showing Montana Driver's Licenses. In fact, one or two have even mentioned to me that they thought "they looked kind of young, but they had Montana licenses, and so we went ahead and served them."

I realize that this is probably getting into another problem area which we need to work on also, but it does indicate to me that the young people in our community are travelling fairly long distances to some outlying areas, and are actually being served in liquor establishments after being I.D.'d. It appears that the sole identification in these places has been the use of phony Montana Driver's Licenses. As I have travelled to these other outlying areas, I have found that for the most part, the kids in our community are not doing their drinking in Sidney because they're well known and they're recognized, so it's harder for them to use the false driver's licenses.

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I have also discovered that there appears to be a large number of young people from other areas, i.e. North Dakota and surrounding rural communities who are coming to Sidney to purchase alcohol and to drink in establishments. Some of these young people are also displaying false Montana Driver's Licenses. I would like to point out that some bartenders and convenience store clerks, especially those in North Dakota, are not familiar with the Montana Driver's License.

In fact, I'll give you an example. When I traveled to Williston, North Dakota, I talked with their Police Department. They showed me some Montana Driver's Licenses which they stated were altered. It turns out, they weren't altered at all;

they were completely false. They were forged Montana Driver's Licenses. If even law enforcement agencies in other states have a difficult time in determining the validity of a Montana Driver's license, then I'm sure you can see the problem when it comes to a bartender or a clerk in a busy establishment trying to determine whether a license has in fact been altered or is valid. I want to make a point that I'm not pointing fingers in any direction here. I'm just simply saying that there is an extreme necessity for this state to do something about the security of their driver's licenses, and I think that House Bill 397 is a very good start in that direction.

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As I stated to you earlier, this has been a common practice which has been going on for quite some time. In fact, I'll relate a personal story to you. Once I got involved in checking into this problem, I was talking to my own 23 year old son and he informed me that he in fact had one of these forged Montana Driver's Licenses when he was going to college. This was especially troubling to me since I also have another son who is a Freshman in High School. You must understand that all of us out here are subject to this problem. Anyone who has a teenager who they let out of the house could very well be facing this problem. I stress to you that we're all in the same boat when it comes to raising our children, and we all need to take a long, hard look at this problem.

I have talked to other people, some of them here in Helena and some from other law enforcement agencies, and I find there are many, many, Montana Driver's Licenses throughout the United States. In fact, it can nearly be said that if everyone that held a Montana Driver's License were counted up, while we would not be the most populated state in the country, we might well be one of the top ten. I do not mean to make light of the situation, but I am telling you there are a lot of false Montana Driver's Licenses out there, and the problem is directly attributed to the simplicity and ease of copying our driver's license.

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I'm sure you're all well aware of this problem. It's been explained to me that this is a simple process. In fact, on Monday I talked with one young man who is in his early 20's. He attempted to explain to me how the process is done by using overhead projectors, lighting, and polaroid cameras. He indicated that the process was relatively simple, easy enough for High School kids to pick up and use. When I asked this same young man where he had gotten his expertise, he told me that he had learned it from one of his friends who had been attending the Montana State University at Bozeman.

Everything I'm finding out appears to indicate that because of the design of our driver's license, its become very, very easy to duplicate, and that I feel is reason that there are so many false or forged Montana Driver's Licenses out there.

Today I am asking you to seriously consider House Bill 397. Again, the primary reason that I'm involved in this is because of the security measures which are listed in that bill. I must state to you I really feel that the measure is being attempted to provide better security--the fact that you're looking at digitizing the license image, placing a magnetic strip on the license itself, and placing a hologram on the license should make it extremely difficult for anyone to duplicate a Montana Driver's License.

This is something that I feel is extremely important, and I think that the steps that have been listed in this bill are very good start in that direction. There may well be some other things that could be done. I'm hoping there are. I would be willing to work in any way possible with anyone to get this done.

In closing, I would simply state that I believe in my heart that Pat Jones would be alive today had he not been able to get a forged Montana Driver's License, and I believe that the opportunity was given to him unwittingly, because I don't believe that his friends who may have been making these licenses or any of the people that he got the license from ever intended for Pat to be hurt. But most of the young people that are doing this type of thing are doing it so they can be able to act as adults--to go into places and purchase alcohol and to be able to be accepted as adults. Pat Jones was a good kid. He never got into trouble, but he was only 17 years old, and he never had a chance to live. He had the same temptations, and he had the same pressures on him as any other 17 year old.

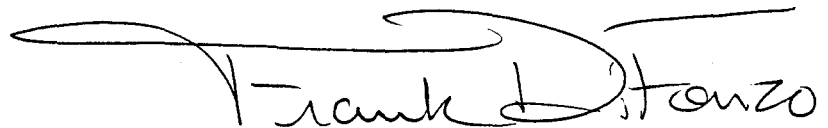
I believe that it is up to you as a legislature, and it is up to me as a law enforcement officer and it is up to all of us as parents to at least try to take one avenue away, to take one means of procuring alcohol away from those people whom society has said should not be allowed to consume alcoholic beverages until they reach the age of 21. Right, wrong or otherwise, that is the law. While I'm not here to tell you that young people won't continue to get alcohol, that they won't continue to drink and drive, that they won't do everything in their means to try to get those things which are illegal, I am here to tell you that we can do something about it now. We can help our kids, and we can take away that avenue which has become available to them.

By your consideration and your passage of House Bill 397, I think that this legislature and the State of Montana can take a great step forward in helping. We don't know how many other kids have been injured or killed because they were able to get alcoholic beverages by using false Montana Driver's Licenses. We may never know, but I know one boy that did die because of it--or at least I believe he died because of it, and I believe if just one youngster dies, we must do everything we can to keep it from happening to another young person, and I believe that is our obligation.

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Today I am asking you, as members of this committee, as members of the Montana Legislature, and as parents who actually have the power to do something, to just do one thing for me and for those kids out there, for all of those young people under 21 years old. I just ask you to remember Pat Jones.

Again I thank you for your consideration and I would be more than happy to try to answer any questions. Thank you very much.

A handwritten signature in black ink, reading "Frank D. Stenzo". The signature is written in a cursive style with a large, sweeping initial "F" and "S".

Amendments to House Bill No. 478
Third Reading Copy

Requested by Representative Toole
For the Committee on Highways and Transportation

Prepared by Connie Erickson
March 11, 1993

SENATE HIGHWAYS

EXHIBIT NO. 3

DATE March 11, 1993

BILL NO. HB 478

1. Title, line 5.

Following: ";

Insert: "ALLOCATING REVENUE FROM THE PENALTY TO FUND INDEPENDENT
LIVING SERVICES FOR SEVERELY DISABLED INDIVIDUALS;"

2. Title, line 10.

Following: "7-5-4104"

Insert: "46-18-235,"

3. Page 2.

Following: line 18

Insert: "Section 3. Section 46-18-235, MCA, is amended to read:

"46-18-235. Disposition of money collected as fines and costs. The money collected by a court as a result of the imposition of fines or assessment of costs under the provisions of 46-18-231 and 46-18-232 ~~shall~~ must be paid:

(1) by a district court to the county general fund of the county in which the court is held, except that:

(a) if the costs assessed include any district court expense listed in 3-5-901, the money collected from assessment of these costs must be paid to the state for deposit into the state general fund to the extent the expenses were paid by the state;

(b) if the fine was imposed for a violation of Title 45, chapter 9 or 10, the court may order the money paid into the drug forfeiture account maintained under 44-12-206 for the law enforcement agency which made the arrest from which the conviction and fine arose; and

(c) if the fine was imposed for a violation of 45-5-206, 50% of the amount collected must be deposited in the state special revenue fund for use of the department of family services in the battered spouses and domestic violence grant program created by 52-6-101; and

(d) if the fine was imposed for a violation of 49-4-302(2), one-half of the amount collected by the court must be deposited in an account in the state special revenue fund to be used by the department of social and rehabilitation services to provide independent living services, as authorized in 53-19-103; and

(2) by a justice's court pursuant to 3-10-601, except that if the fine was imposed for violation of 49-4-302(2), one-half of the amount collected by the court must be deposited in the

account provided for in subsection (1)(d) to be used for independent living services."

Renumber: subsequent sections .

Detering Unauthorized Use of Handicapped Parking Spaces

**Glen W. White, Michael L. Jones, Gary R. Ulicny,
Lynda K. Powell, and R. Mark Mathews**
*Research and Training Center on Independent Living
University of Kansas*

ABSTRACT: Misuse of handicapped parking spaces can be a barrier to independence for people with mobility impairments. The differential effects of two types of handicapped parking signs were analyzed using a multiple baseline with an alternating experimental conditions design. Results indicate that warning signs were more effective than standard signs in deterring unauthorized vehicles from parking in spaces reserved for people with disabilities.

Parking spaces designated for people with physical disabilities symbolize society's attempts to make communities accessible. Misuse of these spaces represents barriers, both real and symbolic, to independence (Toomer, 1986), and is identified frequently by people with disabilities as a major concern (Fawcett et al., 1986).

A limited number of studies have examined strategies for reducing unauthorized use of handicapped parking spaces. Suarez de Balcazar et al. (in press) examined the effects of a police crackdown, where officers ticketed violators on a regular schedule. Results indicate that the crackdown substantially reduced parking violations. Two studies that examined the stimulus control effects of handicapped parking signs suggest that upright signs are more effective than ground markings in deterring unauthorized parking (Jason & Jung, 1984; Suarez de Balcazar et al., in press). However, the effects appear to dissipate over time.

The costs associated with police intervention and short term effectiveness of standard upright signs suggest the need for additional inexpensive interventions. Previous stimulus control research has shown that prompts that include specific information are more effective than general prompts (e.g., McNees et al., 1976). Thus, signs that specify the potential consequences of parking in a handicapped parking space may deter violations. The present study evaluated the differential effects of standard handicapped parking signs and signs that explicitly state the consequences of parking without a permit.

esign

line design was used, in which experimental conditions were setting, to analyze the effects of two different signs on handi-
ons. The design included the following conditions:

Standard handicapped parking signs were posted, as required
ese signs had been in place for several months before the
dition was in effect for 11 sessions at Store 1 and 16 sessions at

efore each observation session, the observer covered the stan-
ning sign. This condition was in effect during sessions 12
and sessions 17 through 24 at Store 2.

Standard Sign: Standard handicapped parking signs were used
ugh 24 at Store 1 and sessions 25 through 34 at Store 2.

ement of Warning Sign: The standard signs were permanently
igns, before session 25 at Store 1, and before session 35 at

o sessions were conducted nine months after completion of
Warning signs were still in place at both lots.¹

its the number of minutes in which vehicles were parked
ach one-hour observation session. At Store 1, violations
an of 18.0 minutes per hour during the first condition
minutes during the warning sign condition. When the
ion was reinstated, violations increased to a mean of
en decreased to a mean of 13.0 minutes during the final
on. Violations were observed during an average of 3.6
o observations conducted nine months later. Data for
d to a lag 1 autocorrelation to detect serial dependency
1 autocorrelation of $r_1=0.10$ indicated no serial depen-
sed to evaluate mean differences between standard sign
conditions. This difference was statistically reliable
hese data represent a mean of 5.3 vehicles parked in
first sign condition, 3.2 vehicles during the warning sign
g the reversal, and 4.3 during the final warning sign
of 2.8 vehicles parked in violation during follow-up

olations decreased from a mean of 11.9 minutes (3.3
first standard sign condition to a mean of 8.6 minutes
the warning sign condition. During the reversal, viola-
mean of 21.2 minutes (3.8 vehicles) and then decreased

x months after observation session 43, the manager at Store Two
and installed two additional warning signs.

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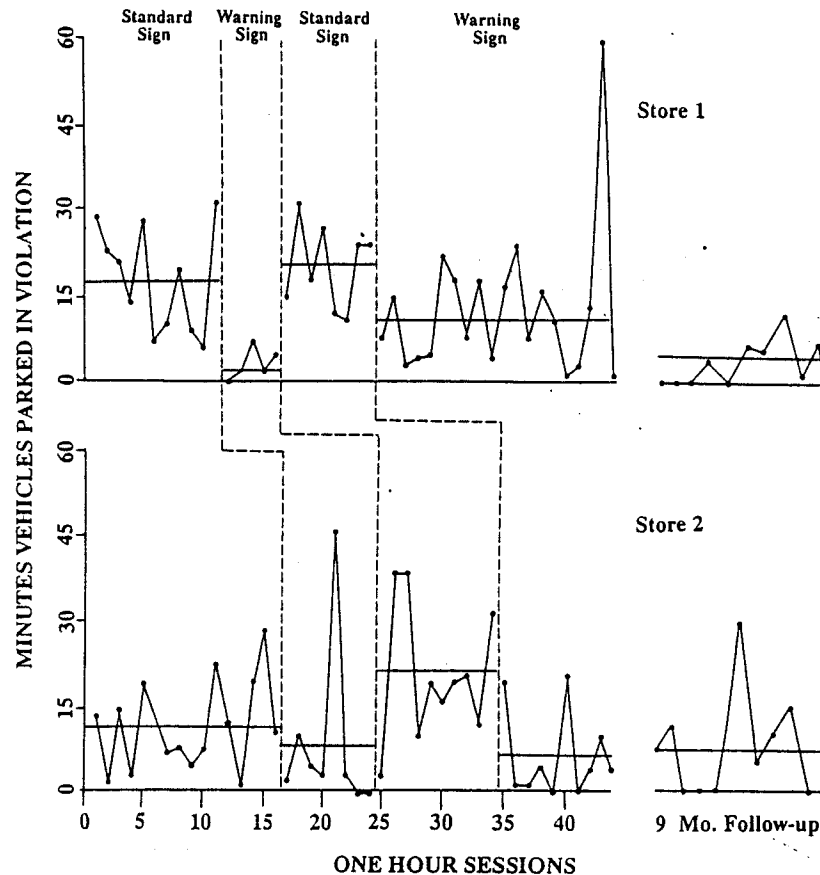


Figure 1. Number of one-minute intervals that vehicles were parked in violation of the handicapped parking ordinance. The vertical dotted lines indicate condition changes.

to a mean of 6.5 minutes (1.8 vehicles) during the final warning sign condition. Violations were observed during a mean of 7.0 minutes (2.2 vehicles) in follow-up observations conducted nine months later. An autocorrelation analysis of Store 2 data indicated no serial dependency ($r_1 = .09$). A *t*-test indicated statistically reliable differences in means for the standard sign and warning sign conditions ($t = 2.86, p < .01$).

Parking in the control spaces remained stable throughout the study. At Store 1, vehicles were parked in the control parking space a mean of 44.7 minutes throughout the study (range of 40.3 to 46.6 across conditions). At Store 2, vehicles were parked in the control space a mean of 56.1 minutes (range of 55.5 to 57.2 across conditions).

Some changes in appropriate parking were observed during the study. At Store 1, vehicles using appropriate permits were parked in the handicapped parking spaces a mean of 3.3 minutes during the baseline condition,

16.4 minutes during the warning condition, 1.3 minutes during the reversal, 6.3 minutes during the final warning condition, and 12.1 minutes during follow-up. At Store 2, appropriately parked vehicles were observed during a mean of 16.2 minutes during baseline, 31 minutes during the warning sign condition, 28 minutes during the reversal, 35.5 minutes during the final warning condition, and 30.2 minutes during follow-up.

DISCUSSION

Previous research has shown that proper signage is a necessary, but not sufficient, factor in deterring misuse of handicapped parking spaces (Jason & Jung, 1984; Suarez de Balcazar et al., in press). The present study expands these findings by showing that the specific information conveyed by signs may improve their effectiveness.

An interesting side effect in this study was the increase in appropriate use of handicapped parking spaces during the warning sign conditions. Appropriate use and violations were not mutually exclusive activities, since multiple spaces were available. Reduced violations do, however, afford additional opportunities for appropriate parking. Consistently higher levels of appropriate parking were observed at Store 2. It is not clear from this study what produced these differences. Control space usage was also consistently higher at Store 2, suggesting that the store's location, convenience, or parking lot arrangement might be alternative explanations.

Although the warning signs used in this study were more effective than standard signs, handicapped parking violations were not eliminated. Police enforcement may strengthen the stimulus control effects of signage, as shown by Suarez de Balcazar et al. (in press). During the course of this study, enforcement appeared to be minimal. Observers noted only one occasion when police issued a parking ticket to an illegally parked vehicle. This represents less than one percent of all observed violations. Matthews (1981) reported similar results in observations of 216 handicapped parking violations.

Lack of police enforcement may be attributed to high costs and the relatively low priority given to enforcement of parking ordinances relative to other traffic ordinances. Thus, alternative, cost-effective measures may be necessary to supplement or supplant regular police enforcement. Some communities have trained and deputized disabled citizens to enforce handicapped parking ordinances by issuing citations (Toomer, 1986; "Quad Squad," 1986). Similarly, many local disability groups place printed "reminders" on the windshields of motorists who misuse handicapped parking spaces (Architectural and Transportation Barrier Compliance Board, 1982; Parking violator reminder cards, 1984). Future research should investigate the effectiveness of these and other innovative strategies that may, in combination with existing strategies, eliminate misuse of handicapped parking spaces.

EXHIBIT

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Reprints: Requests for reprints should be directed to the Research and Training Center on Independent Living, 3111 Haworth, Lawrence, KS, 66045.

Submitted: April 1987

Revised: July, 1987

January 1987

Accepted: March 1988

My name is James Meldrum. I am here to speak in the favor of HB 478, HB 478
"AN ACT REVISING THE HANDICAP PARKING LAW";

I am represent Montana Independent Living Project, which provides services to individuals who reside in the south west 14 counties with our offices located in Helena.

I speak for Montana Independent Living Project and for my self. We offer our suport of this improtan piece of legeslation. This bill is very positive in recognizing the special needs individuals with disabilities have. We find that people will park in a handicapped parking zone because it is easy to get into, close to the door of the store or mall, and they will only be there for one minute. In the meantime, a person who really needs the parking place is unable to find a place to park where they can get their wheel chair out of the van, or worse yet be able to get back into the van because someone parked to close to them. There are those who are able to walk, but because of some disability are unable to walk very far.

We believe a stiff penalty should be awarded to those who abuse or ignore the handicapped parking laws. In addition, placing the amount of the penalty on the signs would, it seems to me, curtail much of the abuse we now see.

We also agree that there must be a way to monitor the number of parking permits available to be used on a temporary basis. The requirement that the permit be renewed every four years, should help to reduce the number of individuals using expired temporary permits. We have faith that physicians will not recommend anyone for a handicapped parking permit unless it is truly deserved.

I speak as one who will in all probability be forced in the near future to be needing a handicapped parking permit. As you look at me you see an individual who looks healthy, and able to get around with out difficulty. your observations are correct for now, but I have a condition call Lupus. The chances are very high that I will become totally disabled due to severe arthritis. When that time comes I want to be able to continue to go to the movies, do the banking, shopping, or just go to the mall. I will need a place to park my van which is completely accessible. For that reason I along with Montana Independent Living Project supports this bill and we encourage your vote in favor of its passage.

DATE 11 March

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: HB 397, HB 478, SB 373

Name	Representing	Bill No.	Check One	
			Support	Oppose
Dean Roberts	Motor Veh. Div. Dept of Trans	397 478 373	X	
Frank [unclear]	Madison County Wash & Bldg	397		
John Cadby	MT BANKERS ASSN	373	X	
R. R. Christensen	NBS Imaging Sys	397	X	
Frank D'Onofrio	CITY OF SEDNEY	397	X	
Bill Stevens	MT Food Diet Assn	397	X	
James R. Meldrum	Self	478	X	
Bill Fleiner	Mont Sheriff & P.D.A.	397	X	
Roger Tipon	MT Indep. Bankers	373	X	
Bill Penick - House	SD 12	418	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY