

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By Senator Cecil Weeding, Chair, on March 18, 1993, at 3:03 p.m.

#### **ROLL CALL**

##### **Members Present:**

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

**Members Excused:** None.

**Members Absent:** Sen. John 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 572, HJR 10, HB 606  
Executive Action: SB 373, HB 232, HB 233, HB 336, HB 397,  
HB 478, HJR 10, HB 606

#### **HEARING ON HOUSE BILL 572**

##### **Opening Statement by Sponsor:**

**Rep. Galvin, House District 40**, said the Department of Transportation (DOT) had requested HB 572. He stated DOT currently issues \$50 permits for overweight trucks which cannot be reduced any further for travel to anywhere in the state. **Rep. Galvin** explained HB 572 would change the \$50 flat rate into a graduated fee based upon the weight of the load and the miles it will be hauled. He stated Montana State University (MSU) had developed the fee schedule contained in HB 572. He stated HB 572 is a very good measure which will give Montana the same type of overweight permit fees already used by neighboring states.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 2 of 17

Proponents' Testimony:

**Dave Galt**, Administrator, Motor-Vehicle Division, DOT, spoke from prepared testimony (Exhibit #1). He introduced **Dr. Stevens**, MSU, who was present to answer any questions from the Committee specifically addressing the MSU study.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

**SEN. MCCLERNAN** asked **Dave Galt** what currently happens to the money raised from overweight permit fees. **Dave Galt** responded fees were supposed to go to the Highway Special Revenue account. He stated he understood, however, the House Appropriations Committee may have changed the ultimate destination of the money.

**SEN. SWYSGOOD** asked if the fees in HB 572 would apply solely to loads that could not be broken down. He asked **Dave Galt** if there was any overlap between HB 572 and SB 185, a bill he had carried for DOT earlier in the session. **Dave Galt** replied the fees in HB 572 would apply to any overweight permit. He said HB 572 would also include the fees for overweight permits issued under the terms established by SB 185, as well as any overweight vehicles operating under the Shelby Agreement on the hi-line. He stated this fee schedule would primarily apply to non-divisible loads, and would not be applicable on certain restricted routes.

**SEN. SWYSGOOD** asked **Dave Galt** to clarify the relationship between the fees contained in HB 572 and the fees established by SB 185. **Dave Galt** stated the fees SB 185 would increase were the actual fines for an overweight load. He explained SB 185 would also allow a vehicle with a reducible overweight load to be permitted to a safe location to reduce that load. According to **Mr. Galt**, those vehicles are currently issued standard overweight permits which cost \$10, \$30, or \$50 and are based solely on miles. He stated if HB 572 were to pass, the fees for standard overweight permits would be calculated according to the schedule contained in HB 572.

**SEN. SWYSGOOD** said the fees contained in HB 572 were a ton/mile tax. **Dave Galt** replied the fees could possibly be compared to a ton/mile tax since carriers would be paying for weight and distance. He emphasized, however, the fees would be for overweight permits and not for registration which makes them very different from a ton/mile tax.

**SEN. TVEIT** asked if the fees in HB 572 would be charged to vehicles which are found to be overweight at a scale. **Dave Galt** replied no and explained that vehicles found to be overweight at weigh stations are subject to a citation. He said a separate statute establishes the applicable fines for up to 25,000 lbs. overweight. **Dave Galt** emphasized that the money collected under

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 3 of 17

such circumstances is actually a fine and is distributed differently than the money raised through the issuance of standard overweight permits. He stated SB 185 would give DOT the authority to issue permits to overweight vehicles and allow them to move from the scale area to a place where the cargo could be safely unloaded. He said the fees contained in HB 572 would apply to the permits issued under these circumstances.

Looking at the fee schedule in HB 572, **SEN. TVEIT** asked if a vehicle which was 20,000 lbs. overweight would be charged \$14. **Dave Galt** replied if a vehicle were 20,000 lbs. overweight its operator would be fined about \$1000 and would be required to reduce the truck's load at the scale. He reminded the Committee the provisions of SB 185 would only apply to vehicles overweight by 10,000 lbs. or less. He stated if a vehicle were 10,000 lbs. overweight its operator could be issued a standard overweight permit for a certain amount of dollars per 25 miles of distance.

**SEN. TVEIT** asked if under the fee schedule established by HB 572, a permit for a vehicle that was 20,000 lbs. overweight and wanted to haul that load 25 miles would cost \$14. **Dave Galt** replied yes.

**SEN. TVEIT** asked if a fine would be levied as well in all situations involving overweight vehicles. **Dave Galt** responded a carrier who is hauling a load that is not supposed to be overweight would receive a fine. He said, however, DOT does issue permits to loads that cannot be reduced any further. He said if HB 572 were to pass the fee schedule it contains would establish the rates charged for such overweight permits.

**SEN. SWYSGOOD** asked if a carrier pulled into the scales and his vehicle were 5,001 lbs. overweight, he would be assessed the rate for 10,000 lbs. overweight. **Dave Galt** replied **SEN. SWYSGOOD** was correct. **Mr. Galt** said the MSU study initially based permit price on each mile and increments of 1,000 lbs. He said he had asked MSU to recalculate the schedule and work with group of weights in 5,000 lb. increments. **Dave Galt** explained that it was not possible to establish a weight policy based on small increments of weight because of DOT's "self-permitting" program, which allows people to write their own permits when they need them. He stated carriers issuing their own permits do not usually know the exact weight of their vehicles and need more leeway.

**SEN. SWYSGOOD** stated he understood the problem **Dave Galt** had described if the increments were 100 lbs., but asked what was wrong with increments of 1000 lbs. **Dave Galt** replied DOT's experience with self-issuing permits suggests that carriers issuing their own permits need to have more leeway than 1000 lbs. He said that is the reason he asked to have the schedule set at 5,000 lb. increments. He stated, however, the schedule certainly could be set differently.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 4 of 17

**CHAIRMAN WEEDING** asked if overweight fines were also assessed in increments of 5,000 lbs. **Dave Galt** replied the fines are assessed in increments of 2,000 lbs.

**SEN. SWYSGOOD** asked how many self-issuing permits were issued in comparison to permits issued for other reasons. **Dave Galt** replied the Helena office alone issues about 47,000 permits and between 30,000-35,000 of those are self-issuing permits.

**CHAIRMAN WEEDING** asked **Dave Galt** if MSU could provide the necessary numbers for a schedule based on 2,000 lbs. increments. **Dave Galt** noted that would require a major change in HB 572, but that it could be done.

Referring to the old schedule, **SEN. SWYSGOOD** admitted he could see where carriers might not have been too cautious about how much weight they were hauling. He argued that under the fee schedule HB 572 would establish, however, carriers would not be as lax in guessing the weight of their vehicles because of the additional cost. He stated a fee schedule charging a carrier in increments of 5,000 lbs. and in increments of 25 miles was inequitable. **SEN. SWYSGOOD** said, for example, a carrier hauling 10,001 lbs. overweight for 26 miles would pay the same permit fee assessed for 15,000 lbs. overweight for 50 miles of travel.

**CHAIRMAN WEEDING** said if DOT did not issue permits over 20,000 lbs. overweight, the rest of the chart contained in HB 572 would be unnecessary. **Dave Galt** replied permits are issued up to the 30-40,000 lbs. range, but those are extremely specialized permits. He stated HB 572 refers to cumulative axle totals, so there are times when a 13 or 14 axle configuration with an extremely heavy load could be issued a permit. He explained that in such cases, some of the groups of axles could each be 20,000 lbs. overweight and the cumulative total might reach 100,000 lbs. overweight.

**CHAIRMAN WEEDING** asked if 20,000 lbs. was the practical limit for normal overweights. **Dave Galt** responded 20,000 lbs. was the practical limit for a tandem. He added that on a five axle truck this would automatically mean 40,000 lbs. overweight on a standard issue permit.

**SEN. SWYSGOOD** said these fines have traditionally gone back into highway accounts, but could possibly be made part of the general budget. He stated he disagreed with HB 572 on that account probably more than he disagreed with some of the mechanics of the bill. He asked **Dave Galt** his opinion of the potential money transfer. **Dave Galt** replied his personal feeling was that the money ought to stay in the highway fund.

**CHAIRMAN WEEDING** commented that the fiscal note accompanying HB 572 estimated this change in the overweight permit fee schedule would raise an additional \$3.3 million over the biennium.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 5 of 17

**Closing by Sponsor:**

**Rep. Galvin** stated he had asked Burlington Northern how much it would cost to move two extremely heavy loads from Glendive to Kalispell. He said the cost of moving a 300,000 lbs. transformer by rail would be \$9,000 plus \$496 for the railcar while moving a mine-haul-truck weighing 106,000 lbs. would cost \$1,706.60 plus the railcar fee. He said these figures show why heavy loads are moved by truck.

**HEARING ON HOUSE JOINT RESOLUTION 10**

**Opening Statement by Sponsor:**

**Rep. Gervais, House District 9**, said he had sponsored a similar resolution last session which asked that the Carway border be open for 16 hours instead of nine. He stated there were three border crossings on the Blackfeet Reservation, but added that the one at Carway is located in an isolated area near a community. He said the border should be open to allow children to attend school, an ambulances go across the border in emergencies, and travel connected with sports activities on both sides of the border. **Rep. Gervais** noted he had been surprised at the response to the last resolution. He explained the U.S. side is now open 16 hours a day all year and added that the Canadian government opened their side for 16 hours a day on a trial basis two weeks ago. He said if Montana is supportive, the Canadian government might agree to keep the border open on a permanent basis. He stated HJR 10 is designed show Montana's support for this measure.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions From Committee Members and Responses:**

**CHAIRMAN WEEDING** stated he did not understand why the identical resolution was brought two years ago. **Rep. Gervais** stated the resolution of two years ago was almost identical. He explained HJR 10 addresses only the Canadian government, whereas the first resolution was directed at the governments of both Canada and the United States. He said the U.S. responded to the last resolution and HJR 10 is intended to nudge the Canadian government.

**SEN. SWYSGOOD** asked how HJR 10 could accomplish anything if the Canadian government was not nudged by the last resolution. **Rep. Gervais** responded that a group of people supporting this issue will be meeting with Canadian officials in Calgary on May 11, 1993. He stated it would be helpful if the delegation could bring a copy of HJR 10 to that meeting. He said there is a lot of support from different towns in Alberta and in the Flathead area for extending the border station hours. According to **Rep. Gervais**, this measure would also help the Flathead area because

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 6 of 17

all the skiers from Canada use this port of entry to cross into Montana to ski in the Flathead area. He stated a lot of traffic moves across the border at Carway.

**CHAIRMAN WEEDING** asked if there was currently a port which was open for 24 or 16 hours on the East side of the mountain. **Rep. Gervais** replied the border at Coutts was open 24 hours a day. He said that in the summertime three ports on the Reservation are open. He added in the wintertime there are only two open ports with Carway being the main one.

**SEN. SWYSGOOD** asked if the port located in **Rep. Peterson's** district was open 24 hours a day. He said she had carried a resolution to accomplish that and he had understood that the resolution had been successful.

**Rep. Gervais** said that port was in Eureka. He said **Rep. Peterson** was helping him with HJR 10.

**CHAIRMAN WEEDING** asked if the port at Carway would be the middle port of entry in that part of Montana. **Rep. Gervais** explained skiers from Canada use the port at Carway. He said the entire Flathead area would benefit from this during the wintertime. He added that many Flathead communities and businesses were enthused about the possibility of extending the port's hours.

**SEN. SWYSGOOD** asked if the Coutts port would be open 24 hours to the west of Carway, the Eureka port would be open 24 hours to the east of Carway were HJR 10 successful.

**Rep. Gervais** replied yes with the exception of the directions. Eureka would be to the west, Coutts would be to the east and Carway would be in the middle.

**Closing by Sponsor:**

**Rep. Gervais** closed and stated he would appreciate it if a committee member would carry HJR 10 on the Senate floor.

**HEARING ON HOUSE BILL 606**

**Opening Statement by Sponsor:**

**Rep. Ellis, House District 84**, stated HB 606 would facilitate the cattle feeding done on lots in Montana, especially during the winter. He explained most people either winter or background calves on their lots and use chopped hay for that purpose. He added some farmers and ranchers grind their own hay, but said the majority rely on a commercial hay grinder. **Rep. Ellis** described the most common commercial hay grinder which is towed behind a pickup and is narrower in chassis than the pickup. He distributed an amendment to HB 606 which defined a "hay grinder" (Exhibit #2) and explained that some committee members in the House had been concerned the grinder's size might increase. **Rep.**

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 7 of 17

**Ellis** assured the Committee he did not think an increase in size was a viable alternative for this piece of machinery.

**Rep. Ellis** stated HB 606 would allow commercial hay grinders go be moved on the roads during daylight hours and on holidays at the posted speed limit. He said this permission would not be setting a national precedent; in Nebraska, for example, hay grinders are considered agricultural implements and can be moved at night. He noted HB 606 had originally asked for permission to move at night as well, but that provision had been removed from the bill due to protests from the DOT and the Highway Patrol. He emphasized the fact that when a motorist pulls up behind a commercial hay grinder on a highway, the pickup poses more of a restriction to visibility than the grinder itself. He assured the Committee that the width of the hay grinder did not make it difficult to pass, even on the narrowest roads in Montana.

**Rep. Ellis** stated HB 606 could be construed as special interest legislation since it would apply just to hay grinders, but he argued HB 606 would be beneficial for many ranchers and farmers who feed cattle. He explained that over the Christmas and New Year season, especially when the holidays fall on weekdays, the amount of ranchers and farmers a commercial hay grinder can serve is severely limited. He stated that is a problem because the cattle eat more hay when it is cold and said there is usually a need to grind hay oftener at that time of year.

**Proponents' Testimony:**

**Chester Faust, Owner, C & B Hay Grinder**, said his company has four hay grinders and has been in business for 15 years. He stated no one in his company has had problems moving hay grinders on the highway. He emphasized that hay grinders inhibit visibility much less than regular trucks, and, although they are hauled on extremely narrow roads, even trucks have no problem passing. He said this year his company could not service farmers for six days in December because the holidays fell on weekdays. According to **Mr. Faust**, six days during the coldest part of winter is a "very long" time if a farmer or rancher runs out of feed. He stated that by allowing the transport of hay grinders on holidays and weekends, HB 606 would alleviate this problem. He added that there is never much highway traffic on Christmas Day and New Years Day.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions From Committee Members and Responses:**

**SEN. TOEWS** asked **Dave Galt** to define a "hazardous area" as it is used in HB 606 on page three, line four. **Dave Galt** replied a "hazardous area" could be several things: a narrow road, a problem with a roadway, etc.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 8 of 17

After stating he would probably support HB 606, **SEN. SWYSGOOD** observed he did not agree with the exemptions afforded machinery under an agricultural license. He stated commercial haulers with over-sized loads are restricted to certain hours on weekends and from hauling on holidays even though they could be hauling the same hay as carriers licensed under farms or ranches. He stated those regulations exist as a safety precaution. He added he did not believe a farmer hauling hay presented less of a safety risk than a commercial carrier hauling the same load.

**SEN. SWYSGOOD** asked **Dave Galt** if the current rules relating to holidays or weekends would restrict commercial carriers from operating on three day weekends. **Dave Galt** responded that on the six big holidays, Christmas, New Years, Fourth of July, Memorial Day, Labor Day and Thanksgiving, a commercial carrier would be shut down the entire weekend. **SEN. SWYSGOOD** asked if that restriction was determined by statute or administrative rule. **Dave Galt** replied it was determined by administrative rule.

**SEN. REA** asked if carriers who had an oversized piece of equipment would be required to obtain a permit every time they moved that equipment, or if they could apply for a year-long permit. **Dave Galt** replied they could get a permit for the entire year.

**SEN. REA** asked if it were hard to get such permits for weekend travel. **Dave Galt** said permits valid for the entire year including weekends are available, but added during the six big yearly holidays, the entire weekend is shut down to oversize travel.

**SEN. SWYSGOOD** said HB 606 would allow hay grinders to be transported during those times which are restricted; if HB 606 passed that transport could take place any day of the week during the daylight hours including holidays, Saturdays and Sundays.

**SEN. REA** asked if that would include the six big holidays. **Dave Galt** replied yes.

After referring to his urban background, **SEN. MCCLERNAN** asked why anybody would want to grind hay. He asked if it was fed to cows that did not have good teeth. **Rep. Ellis** replied many people grind hay because they are wintering or backgrounding light, thin calves weighing 500 lbs. or less. He explained those calves cannot take on enough forage if they are grinding it themselves because they do not initially grind it fine enough. He said smaller calves gain more weight if their hay is ground for them. He mentioned that other people grind hay because they use a mixer wagon to feed their cattle.

**Closing by Sponsor:**

**Rep. Ellis** said he would support **SEN. SWYSGOOD** wholeheartedly in his fight to lift the restrictions on commercial carriers. He said those restrictions adversely affect agriculturalists, because they cannot use commercial haulers when they come up

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 9 of 17

short. He informed the Committee that the commercial hay grinders are not over-the-road vehicles but are on the highway just to get from one place to another. He said Mr. Faust quite often grinds hay well into darkness and has to unhook, go home and come back the next morning to move to his next operation. Rep. Ellis explained commercial hay grinders are very expensive because they have 350 horsepower engines. He stated the fewer hours Mr. Faust can operate, the more expensive it is for farmers and ranchers.

EXECUTIVE ACTION ON SENATE BILL 373

SEN. SWYSGOOD informed the Committee that SEN. STANG had left proxy votes with him, and that he would give SEN. STANG's vote each time the Committee took action (Exhibit #3).

Motion:

SEN. MCCLERNAN moved SB 373 DO PASS.

Discussion:

SEN. REA asked that the content of SB 373 be clarified.

CHAIRMAN WEEDING and SEN. SWYSGOOD briefly explained the content of SB 373. CHAIRMAN WEEDING noted that SB 373 would accommodate the banking community by helping them keep track of security interests. He said SB 373 would require all vehicle titles to be filed with the Motor-Vehicle Division, Department of Justice. He said SB 373 would also raise the filing fees on off-road vehicles to make them consistent with the fees charged for other motor vehicles.

Vote:

The MOTION FAILED with SEN. TVEIT, SEN. SWYSGOOD, SEN. KOEHNKE, SEN. TOEWS, and SEN. STANG voting NO.

Motion/Vote:

SEN. SWYSGOOD moved to TABLE SB 373. The MOTION CARRIED with SEN. MCCLERNAN, SEN. REA, and CHAIRMAN WEEDING voting NO.

EXECUTIVE ACTION ON HOUSE BILL 232

Discussion:

CHAIRMAN WEEDING asked SEN. SWYSGOOD if he had received the information he had requested on HB 232. SEN. SWYSGOOD replied he had, and he said favored HB 232 because it would make Montana statute consistent with federal statute.

Motion/Vote:

SEN. REA moved HB 232 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. SEN. STANG will carry HB 232 on the Senate floor.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 10 of 17

EXECUTIVE ACTION ON HOUSE BILL 233

Discussion:

Tom Gomez distributed information he had compiled on HB 233 at the request of SEN. SWYSGOOD and SEN. STANG (Exhibit # 4). He explained the information compared the use of the concepts "marked and unmarked crosswalks at an intersection" in current statute and in HB 233. He summarized its contents for the Committee and concluded that HB 233 made use of language in current statute and would only change current law by requiring motorists in all lanes of traffic to stop as soon as a pedestrian stepped off the curb.

SEN. SWYSGOOD said he felt the language in HB 233 did not expand or detract on the definition of an unmarked crosswalk at an intersection, since that definition is in current statute. He stated, however, he was concerned about how the potential change would affect motorists' ability to turn right on red after stop.

SEN. REA commented HB 233 would have a major impact in Helena where it could cause traffic to backup at the marked crosswalk on Montana Avenue.

SEN. KOEHNKE said he thought SEN. STANG wanted to amend HB 233. SEN. SWYSGOOD stated SEN. STANG had intended to amend HB 233 relating to "unmarked crosswalks". SEN. SWYSGOOD added SEN. STANG's proxy vote showed he would vote "no" on HB 233 even if such an amendment were adopted.

CHAIRMAN WEEDING noted that he was unsure HB 233 would accomplish what the bill's sponsor wanted. SEN. TOEWS agreed with CHAIRMAN WEEDING and stated Rep. Benedict wanted to address a very specific situation in Missoula. He added the passage of such a law would not solve such special circumstances and stated a change to the statute was not justified in this case.

CHAIRMAN WEEDING said current law addressed the situation which motivated HB 233, so the problem was lack of enforcement.

SEN. SWYSGOOD stated the title and intent of HB 233 were confusing. The committee members discussed both the intent and title of HB 233 and concluded by agreeing with SEN. SWYSGOOD's comment.

Motion/Vote:

SEN. KOEHNKE moved TO TABLE HB 233. The MOTION CARRIED UNANIMOUSLY.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 11 of 17

EXECUTIVE ACTION ON HOUSE BILL 336

Discussion:

**CHAIRMAN WEEDING** stated HB 336 was requested by the County Treasurers Association and was supported by the Department of Justice.

**SEN. REA** asked what HB 336 would do.

**CHAIRMAN WEEDING** said HB 336 would remove the requirement for the county treasurers to get proof that a motorists had auto insurance. **SEN. SWYSGOOD** stated HB 336 would place a statement on the vehicle registration receipt announcing it was unlawful to operate a vehicle without insurance. He said HB 336 would also strike the requirement that owners document that they have insurance when licensing their vehicle. He said HB 336 would remove the county treasurers from that documentation process.

Motion:

**SEN. BRUSKI-MAUS** moved HB 336 BE CONCURRED IN.

Discussion:

**SEN. REA** asked if there was a penalty for noncompliance either in HB 336 or somewhere else in statute. **Tom Gomez** replied penalties currently exist for falsifying certifications, but added HB 336 would abolish those penalties.

**CHAIRMAN WEEDING** asked if there was some generic penalty for non-compliance, and **SEN. SWYSGOOD** replied provisions exist in other sections of Montana statute which establish a fee penalty for the non-compliance with the insurance requirement. He stated HB 336 would remove the penalty for lying on the current form because it would also abolish the form. He stated in his area, the usual fine for people driving without proof of insurance was \$125.

Vote:

The MOTION THAT HB 336 BE CONCURRED IN CARRIED UNANIMOUSLY. **SEN. STANG** will carry HB 336 on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 397

Discussion:

**CHAIRMAN WEEDING** introduced an amendment **SEN. HALLIGAN** would like included in HB 397. **CHAIRMAN WEEDING** explained the amendment would provide that handicapped persons as defined in MCA 39-30-103 may obtain a free identification card (I.D.) (Exhibit #5). He said **Jill Rohyans** had actually requested the amendment. He said, according to **Ms. Rohyans**, these persons need I.D.s in order to take advantage of other benefits. **CHAIRMAN WEEDING** said she had advised him that free I.D.s were currently available.

**SEN. REA** asked if an I.D.s was the same as a driver's license.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 12 of 17

**CHAIRMAN WEEDING** said HB 397 addressed both I.D.s and driver's licenses. He outlined the content of HB 397.

**SEN. TOEWS** spoke in opposition to HB 397. He stated he did not agree that such elaborate new licenses were needed in order to stop kids from drinking. He stated "kids are going to drink whether Montana changes its licenses or not". He added that the elaborate equipment HB 397 would require would make it impossible to ever privatize the drivers' license program. He stated he believed such an elaborate driver's license would allow the Justice Department to slip in a chip as a tracking device. He said the technology is currently available and used to monitor early release inmates. He emphasized that he was not convinced of the need for the complicated and expensive solution HB 397 posed to address those problems presented to the Committee.

**SEN. REA** asked if HB 397 would require all shops and convenient stores to purchase machines which could scan the magnetic strips. The Committee replied no, but **SEN. TOEWS** asserted that a machine in every shop was part of the "dream". He said such machines would not be mandatory, but reminded the Committee that law enforcement would be promoting the purchase of these machines.

**SEN. TVEIT** noted that shops currently buy machines to monitor of credit card purchases. **CHAIRMAN WEEDING** said he did not think that exact comparison could be made.

**SEN. SWYSGOOD** addressed the fiscal appropriation in HB 397. He asked if committee member remembered what was said about the money HB 397 would allocate to the Department of Justice. **CHAIRMAN WEEDING** said the money needed to be appropriated to institute the program, but added that the new licenses and I.D.s would eventually make money.

**SEN. SWYSGOOD** stated he knew it would eventually raise money, but said he was confused about the appropriations to the Department of Justice. **CHAIRMAN WEEDING** said the money appropriated from the general fund would go into the Justice Department and then return to the General Fund.

**Tom Gomez** presented an amendment the Department of Justice had submitted and explained its content (Exhibit #6). He stated the Department of Justice had also submitted the same amendment that **CHAIRMAN WEEDING** had previously presented to the Committee (Exhibit #5).

**SEN. SWYSGOOD** stated the Department of Justice's amendment (Exhibit #5) made the fiscal note consistent with the content of HB 397. He added he could not see where and at what time the money initially appropriated from the General Fund would ever be returned to the General Fund.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 13 of 17

**CHAIRMAN WEEDING** stated he did not believe HB 397 would establish a special revenue account, and added the money would be simply appropriated back into the General Fund.

**SEN. MCCLERNAN** expressed his reluctance to support the creation of a new program, even a good one, while knowing that other good programs are being cut out of necessity.

**Motion:**

**SEN. MCCLERNAN** moved HB 397 BE TABLED.

**Discussion:**

**SEN. BRUSKI-MAUS** informed the Committee that the fiscal note assumed that people would want to have both an I.D. and a driver's license.

**Vote:** The MOTION TO TABLE HB 397 CARRIED with **SEN. STANG**, **SEN. TVEIT**, and **SEN. WEEDING** voting NO.

**EXECUTIVE ACTION ON HOUSE BILL 478**

**Motion:**

**SEN. BRUSKI-MAUS** moved HB 478 BE CONCURRED IN.

**Discussion:**

**SEN. SWYSGOOD** stated he would like to make a motion to amend HB 478, and **SEN. BRUSKI-MAUS** withdrew her motion.

**SEN. SWYSGOOD** explained he would like to amend HB 478 to make the penalty for unauthorized parking in handicapped parking spots \$100 for both private and commercial vehicles (Exhibit #7).

**Motion:**

**SEN. SWYSGOOD** MOVED TO AMEND HB 478 (Exhibit #7).

**Discussion:**

**SEN. SWYSGOOD** said the testimony indicating that commercial vehicles were the worst offenders was perhaps true. He pointed out, however, that if increasing the penalty from \$50 to \$100 were not enough to deter unauthorized people from parking in those spaces, \$200 would not be much more effective. He stated he believed the problem was enforcement not the low penalties.

**SEN. MCCLERNAN** said he had a permit to use handicapped parking spaces. He stated in his experience unauthorized vehicles blocking those spaces were usually private not commercial cars. He said he occasionally encounters United Parcel Service vans blocking handicapped parking spaces in central business districts.

**CHAIRMAN WEEDING** stated posting the penalty notices on the signs would prove to be more effective than anything else. He admitted

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 14 of 17

he had not been aware of the penalty for parking without authorization in a handicapped space.

**SEN. MCCLERNAN** stated he supported the amendment.

**Vote:**

The MOTION CARRIED UNANIMOUSLY.

**Discussion:**

**Tom Gomez** reminded the Committee that two additional sets of amendments had been presented at the hearing on HB 478. He said one set had been drafted at the request of the Code Commissioner (Exhibit #8) and one at the request of **Rep. Toole**, the sponsor of HB 478 (Exhibit #9). **Tom Gomez** explained the first amendment would change the references to "physical handicap" in HB 478 in order to coordinate with another bill which uses those terms for purposes of the Federal Disability Law (Exhibit #8). He said the other set of amendments would provide for the allocation of revenue from the penalties collected under HB 478 to fund independent living services for severely disabled individuals.

**CHAIRMAN WEEDING** asked about HB 496. **Tom Gomez** said HB 496 was sponsored by **Rep. Wyatt** and would revise the Montana Human Rights Laws by replacing the terms "handicap" and "handicapped person" with the terms "disability" and "person with a disability" and making other changes in phraseology. He stated one set of amendments would make the same changes in HB 478 in order for the bill to be consistent with HB 496.

**SEN. SWYSGOOD** asked if adopting the amendment changing the phraseology would require that all signs with the word "handicapped" be replaced. **Tom Gomez** said the provisions of HB 478 did not specify the requirements for such signs and therefore did not contain any requirement for their replacement. He noted that the law does speak to the requirement for posting the signs.

**CHAIRMAN WEEDING** commented changing the language on the decals would not pose a problem because they have not yet been made. He said the changing the existing signs might pose a problem.

**SEN. REA** asked that the reasons for the change in language be clarified. **Tom Gomez** explained the change would make the language in Montana code conform with the language used in the Federal Americans With Disabilities Act. He explained that Act uses the terminology "persons with disabilities" as opposed to the term "handicapped".

**SEN. SWYSGOOD** stated he thought changing the language in the statute would necessitate replacing all the blue signs in the state.

**SEN. REA** asked who was responsible for the printing, erection and maintenance of those signs, and who would be responsible for

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 15 of 17

having to change them. SEN. BRUSKI-MAUS replied she believed individual business people had that responsibility.

SEN. MCCLERNAN asked if not taking action on the amendments would pose problems for the Code Commissioner. Tom Gomez replied no, but added the Code Commissioner was only seeking consistency in the use of terminology in the Montana statute.

CHAIRMAN WEEDING commented that HB 496 could be amended to include a coordinating instruction. SEN. BRUSKI-MAUS stated any time a name is officially changed, all signage has to reflect that official change. SEN. SWYSGOOD stated he agreed and he did not feel comfortable changing the language. SEN. BRUSKI-MAUS stated she agreed with SEN. SWYSGOOD.

The Committee decided to move on and let the Committee dealing with HB 496 worry about including a coordinating instruction in that bill.

Tom Gomez explained that the second set of amendments provides specifically for the disposition of revenue from penalties for handicapped parking law violations (Exhibit #9).

CHAIRMAN WEEDING noted that due to lack of interest in the amendment the Committee should move on.

Motion/Vote:

SEN. BRUSKI-MAUS moved HB 478 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY. SEN. BRUSKI-MAUS will carry HB 478 on the Senate floor.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 10

Motion:

SEN. REA moved HJR 10 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. SEN. REA will carry HJR 10 on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 606

Motion:

SEN. MCCLERNAN moved HB 606 BE CONCURRED IN.

Discussion:

SEN. TOEWS stated he would like to amend HB 606, and SEN. MCCLERNAN withdrew his motion.

Motion:

SEN. TOEWS moved to amend HB 606 to strike the provision referring to "hazardous areas" (Exhibit #10).

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 18, 1993

Page 16 of 17

Discussion:

SEN. TOEWS stated "hazardous areas" were not defined clearly enough in the statute. CHAIRMAN WEEDING commented that Dave Galt had not been able to supply the Committee with much of a definition.

SEN. REA stated he thought bridges or narrow tunnels would be hazardous areas. He added he did not know if an all-encompassing definition was possible.

SEN. TOEWS stated hay grinders could only be towed during daylight hours and areas where there might be hazards could be addressed just by a common sense approach. SEN. SWYSGOOD expressed his support of the amendment and SEN. TOEWS comments. He stated if hay grinders could be hauled at night that would make a difference, but added that including that section in HB 606 would leave too much to the discretion of sometimes overzealous Gross Vehicle Weight (GVW) inspectors.

CHAIRMAN WEEDING agreed no problem would exist if a "hazardous area" were concretely defined in either rule or statute, but said that since it was not he agreed with the amendment.

SEN. TVEIT stated the reference to "hazardous area" was already in MCA 61-10-102, subsection 2. SEN. SWYSGOOD said if that was already in the law, it was not needed in HB 606.

Tom Gomez agreed the reference to "hazardous area" was both in HB 606 and in law. He commented on the similarity in the language used in both places. He said the only difference was that commercial hay grinders were specifically mentioned in HB 606.

CHAIRMAN WEEDING stated it was not necessary to have the definition in two places in the statute.

Vote:

The MOTION CARRIED UNANIMOUSLY.

Motion:

SEN. MCCLERNAN moved HB 606 BE CONCURRED IN AS AMENDED.

Discussion:

CHAIRMAN WEEDING stated the sponsor had introduced another amendment (Exhibit #2). SEN. MCCLERNAN withdrew his motion.

Tom Gomez informed the Committee the amendment would add the definition of a "hay grinder" to HB 606.

Motion:

SEN. MCCLERNAN moved THE AMENDMENT (Exhibit #2).

Discussion:

SEN. TVEIT and SEN. SWYSGOOD argued that the amendment would insert a definition which was too specific into HB 606.

SEN. MCCLERNAN withdrew his motion.

SEN. TVEIT stated it was a bad amendment.

Motion/Vote:

SEN. MCCLERNAN moved HB 606 BE CONCURRED IN AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 4:53 p.m.

  
\_\_\_\_\_  
SENATOR CECIL WEEDING, Chair

  
\_\_\_\_\_  
BETH E. SATRE, Secretary

CW/bes

## ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORT. DATE MARCH 18, 1993

[illegible]

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 18, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 232 (first reading copy -- blue), respectfully report that House Bill No. 232 be concurred in.

Signed: Cecil Weeding  
Senator Cecil Weeding, Chair

m Amd. Coord.  
N Sec. of Senate

Stang  
Senator Carrying Bill

611738SC.Sma

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 18, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 336 (first reading copy -- blue), respectfully report that House Bill No. 336 be concurred in.

Signed: Cecil Weeding  
Senator Cecil Weeding, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 478 (first reading copy -- blue), respectfully report that House Bill No. 478 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding  
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 5, lines 21 through 23.

Following: "\$100." on line 21

Strike: remainder of line 21 through "\$200." on line 23

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 18, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Joint Resolution No. 10 (first reading copy -- blue), respectfully report that House Joint Resolution No. 10 be concurred in.

Signed: Cecil Weeding  
Senator Cecil Weeding, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 19, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 606 (first reading copy -- blue), respectfully report that House Bill No. 606 be amended as follows and as so amended be concurred in.

Signed: Cecil Weeding  
Senator Cecil Weeding, Chair

That such amendments read:

1. Page 3, lines 4 through 6.

Following: line 3

Strike: line 4 through "escorts." on line 6

-END-

HB 572

Sponsor: Rep. Galvin

Testimony By: Dave Galt, Administrator MCS

Date: 2-17-93

*Senate 3/18/93*

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE MARCH 18, 1993

BILL NO. HB 572

The Department appears before this committee today to urge support for HB 572. In 1988-89 the department was audited by the Legislative Auditor. One of the findings of that audit was that the Department should review the laws regarding over weight permit fees and propose a more equitable method of accessing those fees. Under the present statute the over weight permit fee is set only by the number of miles in the trip. For example, if a truck 2000 pounds over weight pays a fee of \$50.00 to cross the state. If the same truck is 50,000 pounds over weight the fee is still \$50.00.

After the audit, we contracted MSU to study this problem and give us a fee structure based on weight and miles. This fee structure had to be comparable with our neighboring states, and encourage heavy loads to use equipment with as many axles as possible.

This proposed legislation is a result of MSU's study. The fees charged represent what it costs to highway tax payers for the damage done to the road by a given overweight. Yes these fees are high, in fact they are higher than our neighboring states. But

this fee does encourage over weight vehicle operators to use the largest equipment possible and therefore minimize highway damage.

I have two handouts that show what this bill does to overweight permits in terms of dollars. One handout looks at specific permits, shows the current fee, the proposed fee, and fees for the same trip in our neighboring states.

Dr. Stevens from MSU is here answer any questions that you may have about the study and its findings.

Thank you.

SENATE HIGHWAYS

Bill No. 606  
Copy

EXHIBIT NO. 2

DATE March 18, 1993

BILL NO. HB606

Attorney Ellis  
on Highways

and a Lane  
1993

AND TRANSPORTATION  
COMMITTEE

of March 18, 1993\*\*

held in Room 410 at 3:00 p.m.

*Senator  
Alang*

Monday, March 18

Resolution Urging Canada To  
At Carway Open 16 Hours

*yes*

Fee Schedule

Restrictions On The Movement  
of Commercial Hay Grinders

*yes*

Tuesday, March 23

Monday, March 25

To Issue Special Permits  
on Vehicle Combinations

on

for Vehicle Laws

*NO*

Truck and Tractor Brake  
Laws will carry in Senate)

*yes*

Law Relating To Pedestrians  
Crossing Within A Crosswalk

*No on Bill  
yes on Amendment*

Proof of Auto Insurance  
Requirement Law

*yes*

As For Driving Records and  
-- Approp. Money To Justice  
Department Bill)

*yes on Bill  
yes on Appropriation  
NO on Exp. Hardship*

Handicap Parking Law  
(Executive Action)

*yes*

County or Group of Counties  
To Establish A Rail Authority

section, "commercial hay  
or commercial grinding of hay  
8 feet, or less, a tub  
es, and a tub flare width of

COMPARISON OF HB 233 AND CURRENT LAW

SENATE HIGHWAYS

EXHIBIT NO. 4

DATE March 18, 1993

BILL NO. HB 233

Current law

1. A pedestrian has the right-of-way in crosswalks. The driver of a vehicle must yield the right-of-way to a pedestrian crossing within a crosswalk when:

(a) the pedestrian is upon the half of the road where the vehicle is traveling; or

(b) the pedestrian is approaching so closely from the opposite half of the road as to be in danger. Section 61-8-502, MCA.

2. A crosswalk, for purposes of the law, includes:

(a) a marked crosswalk, which is any portion of a road "distinctly indicated for pedestrians crossing (the road) by lines or other markings on the surface" of the road;

(b) an unmarked crosswalk at an intersection, which is "that part of the roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway."

Section 61-1-209, MCA

3. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. Section 61-8-502, MCA.

4. Motor vehicles have the right-of-way at places other than crosswalks. Pedestrians crossing the road at any point other than a marked crosswalk or unmarked crosswalk at an intersection must yield the right-of-way to all vehicles upon the roadway. Section 61-8-503, MCA.

HB 233

1. A pedestrian has the right-of-way in crosswalks. The driver of a vehicle must yield the right-of-way to a pedestrian crossing the road within a marked crosswalk or within an unmarked crosswalk at an intersection. Once the pedestrian is within a marked or unmarked crosswalk, drivers on both halves of the road must yield.

2. HB 233 uses the specific terms "marked crosswalk" and "unmarked crosswalk at an intersection" rather than the general term "crosswalk."

3. No change. See section 1, HB 233.

4. No change. Statute is not amended.

**Cross-References**

Driving on roadways laned for traffic,  
61-8-328.

**61-1-208. Sidewalk.** "Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

**History:** En. Sec. 14, Ch. 263, L. 1955; amd. Sec. 2, Ch. 247, L. 1959; R.C.M. 1947, 32-2114(d).

**Cross-References**

Construction and maintenance of  
sidewalks, curbs, and gutters, 7-14-4122.  
Regulation of sidewalks, 7-14-4123.

Pedestrian's right-of-way on sidewalks,  
61-8-509.

Bicycles on sidewalks, 61-8-608.

**61-1-209. Crosswalk.** "Crosswalk" means:

(1) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(2) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

**History:** En. Sec. 16, Ch. 263, L. 1955; R.C.M. 1947, 32-2116.

**Cross-References**

Pedestrian malls, Title 7, ch. 14, part 47.

School safety patrols, 20-1-408.

Pedestrian traffic, Title 61, ch. 8, part 5.

**61-1-210. Through highway.** "Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in chapter 8 of this title.

**History:** En. Sec. 14, Ch. 263, L. 1955; amd. Sec. 2, Ch. 247, L. 1959; R.C.M. 1947, 32-2114(f).

**Cross-References**

"Throughway" defined, 60-5-102.

**61-1-211. Controlled-access highway.** "Controlled-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

**History:** En. Sec. 14, Ch. 263, L. 1955; amd. Sec. 2, Ch. 247, L. 1959; R.C.M. 1947, 32-2114(g).

**Cross-References**

"Controlled-access highway" defined,  
60-5-102.

Restricted and controlled access, 61-8-331.

Restrictions on use of controlled-access  
roadway, 61-8-332.

**61-1-212. Intersection.** (1) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or if none then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles or the area within which vehicles

EXHIBIT 4  
 DATE 3/18/43  
KB 233

**Cross-References**

Chemical blood, breath, or urine tests,  
 61-8-402.

**61-8-408. Multiple convictions prohibited.** When the same acts may establish the commission of an offense under both 61-8-401 and 61-8-406, a person charged with such conduct may be prosecuted for a violation of both 61-8-401 and 61-8-406. However, he may only be convicted of an offense under either 61-8-401 or 61-8-406.

History: En. Sec. 6, Ch. 698, L. 1983.

**Cross-References**

Self-incrimination and double jeopardy,  
 Art. II, sec. 25, Mont. Const.

**Part 5****Pedestrian Traffic****Part Cross-References**

Pedestrian malls, Title 7, ch. 14, part 47.  
 Duty and civil liability of pedestrian or  
 driver approaching blind person, 49-4-216.

Penalty for violation of duty or unauthorized use of cane, 49-4-217.

"Pedestrian" defined, 61-1-308.

**61-8-501. Pedestrians subject to traffic regulations.** (1) Pedestrians shall be subject to traffic-control signals at intersections as provided in 61-8-207 unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this part.

(2) Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

History: En. Sec. 73, Ch. 263, L. 1955; R.C.M. 1947, 32-2176.

**Cross-References**

Municipal ordinances, 7-5-4201.  
 "Crosswalk" defined, 61-1-209.

"Traffic-control signal" defined, 61-1-402.

"Business district" defined, 61-1-408.

**61-8-502. Pedestrians' right-of-way in crosswalk.** (1) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is

impossible for the driver to yield. This provision shall not apply under the conditions stated in 61-8-503(2).

(2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(3) It is unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of the school safety patrol while the member of the school safety patrol is directing the movement of children across a street or highway and while the school safety patrol member is holding his official signal in the stop position.

History: En. Sec. 74, Ch. 263, L. 1955; amd. Sec. 1, Ch. 54, L. 1965; R.C.M. 1947, 32-2177.

#### Cross-References

School safety patrols, 20-1-408.

"Crosswalk" defined, 61-1-209.

"Right-of-way" defined, 61-1-406.

When overtaking on right is permitted,  
61-8-324.

**61-8-503. Crossing at other than crosswalks.** (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

History: En. Sec. 75, Ch. 263, L. 1955; R.C.M. 1947, 32-2178.

#### Cross-References

"Crosswalk" defined, 61-1-209.

"Intersection" defined, 61-1-212.

"Traffic-control signal" defined, 61-1-402.

"Right-of-way" defined, 61-1-406.

**61-8-504. Drivers to exercise due care.** Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or with any person operating a bicycle upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

History: En. Sec. 76, Ch. 263, L. 1955; R.C.M. 1947, 32-2179; amd. Sec. 8, Ch. 450, L. 1983.

#### Cross-References

"Bicycle" defined, 61-1-123.

Horns and warning devices, 61-9-401.

**61-8-505. Pedestrians to use right half of crosswalk.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

History: En. Sec. 77, Ch. 263, L. 1955; R.C.M. 1947, 32-2180.

#### Cross-References

"Crosswalk" defined, 61-1-209.

**61-8-506. Pedestrians on roadways.** (1) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

History: En. Sec. 78, Ch. 263, L. 1955; R.C.M. 1947, 32-2181.

#### Cross-References

"Roadway" defined, 61-1-206.

"Sidewalk" defined, 61-1-208.

**61-8-507. Pedestrian soliciting rides or business.** (1) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

History: En. Sec. 79, Ch. 263, L. 1955; R.C.M. 1947, 32-2182.

**61-8-508. Intoxicated pedestrian.** No person shall walk upon or along the highway while under the influence of intoxicating liquor.

History: En. Sec. 80, Ch. 263, L. 1955; R.C.M. 1947, 32-2183.

#### Cross-References

Intoxication — criminal laws limitation,  
53-24-106.

Public intoxication not a criminal offense,  
53-24-107.

**61-8-509. Pedestrian's right-of-way on sidewalks.** The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

History: En. Sec. 12, Ch. 450, L. 1983.

#### Cross-References

"Sidewalk" defined 61-1-208.

"Right-of-way" defined, 61-1-406.

## Part 6

### Bicycle Traffic

EXHIBIT 4  
DATE 3/18/93  
H3 233

#### Part Cross-References

Footpaths and bicycle trails, Title 60, ch.  
3, part 3.

"Bicycle" defined, 61-1-123.

**61-8-601. Effect of regulations.** (1) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

SENATE HIGHWAYS

EXHIBIT NO. 5

DATE March 18, 1993

BILL NO. HB 397

Amendment to House Bill 397

1. Page 4, line 6

Following: "general fund."

Add: "HANDICAPPED PERSONS AS DEFINED IN 39-30-103, MCA, MAY  
OBTAIN A FREE IDENTIFICATION CARD."

SENATE HIGHWAYS

EXHIBIT NO. 62

DATE March 18, 1993

BILL NO. HB 397

Amendment to House Bill 397  
Third Reading Copy

Prepared by the Department of Justice  
March 12, 1993

1. Page 4 line 12  
Following: "justice"  
Strike: "\$200,000"  
Insert: "\$178,200"  
Following: "and"  
Strike: "\$215,000"  
Insert: "\$195,000"

SENATE HIGHWAYS

EXHIBIT NO. 7

Amendments to House Bill No. 478  
Third Reading Copy

DATE March 18, 1993

BILL NO. HB 478

For the Senate Highways and Transportation Committee

Prepared by Tom Gomez  
March 19, 1993

1. Page 5, lines 21 through 23.

Following: "\$100." on line 21

Strike: remainder of line 21 through "\$200." on line 23

Amendments to House Bill No. 478  
Third Reading Copy

Requested by the Code Commissioner  
For the Committee on Highways

Prepared by Valencia Lane  
March 9, 1993

1. Title, line 4.  
Strike: "HANDICAP"  
Insert: "DISABILITY"

2. Title, line 6.  
Strike: "HANDICAP"  
Insert: "DISABILITY"

3. Page 2, line 2.  
Strike: "handicap"  
Insert: "disability"

4. Page 2, line 18.  
Strike: "handicap"  
Insert: "disability"

5. Page 5, line 10.  
Strike: "physical handicap"  
Insert: "disability"

6. Page 5, line 13.  
Strike: "PHYSICAL HANDICAP"  
Insert: "disability"

7. Page 5, line 17.  
Strike: "PHYSICAL HANDICAP"  
Insert: "disability"

8. Page 6.

Following: line 3

Insert: "NEW SECTION. Section 6. Coordination instruction. If House Bill No. 496 is not passed and approved, then references in amended language in [this act] to "disability" are void and the code commissioner is instructed to change references to "disability" in amended language in [this act] to "handicap" or "physical handicap", as appropriate."

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

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

Amendments to House Bill No. 606  
Third Reading Copy

For the Senate Highways and Transportation Committee

Prepared by Tom Gomez  
March 19, 1993

SENATE HIGHWAYS

EXHIBIT NO. ~~7~~ 10

DATE March 18

BILL NO. HB ~~606~~

1. Page 3, lines 4 through 6.

Following: line 3

Strike: line 4 through "escorts." on line 6

DATE 18 MARCH, 1993

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

BILLS BEING HEARD TODAY: HJR 10, HB 572, HB 606

Name	Representing	Bill No.	Check One Support Oppose	
DAVE GALT	MDT	HB 572	X	

### VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY