

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - SPECIAL SESSION

#### COMMITTEE ON HIGHWAYS & TRANSPORTATION

**Call to Order:** By REP. BOB CLARK, CHAIRMAN, on December 8, 1993,  
at 3:00 P.M.

#### ROLL CALL

**Members Present:**

Rep. Bob Clark, Chairman (R)  
Rep. Karyl Winslow, Vice Chairman (R)  
Rep. Shiell Anderson (R)  
Rep. Joe Barnett (R)  
Rep. Bill Endy (D)  
Rep. David Ewer (D)  
Rep. Pat Galvin (D)  
Rep. Don Larson (D)  
Rep. Gary Mason (R)  
Rep. Bill Ryan (D)  
Rep. Wayne Stanford (D)  
Rep. Randy Vogel (R)  
Rep. Tim Whalen (D)

**Members Excused:** Rep. Marian Hanson  
Rep. Vern Keller  
Rep. Bill Tash

**Members Absent:** None

**Staff Present:** Connie Erickson, Legislative Council  
Alberta Strachan, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB66

REP. DON LARSON, District 65, Seeley Lake, stated that HB 66 is an act revising driver's license renewals. There is a proposal to close 37 driver's license stations. This system is controlled by the Department of Motor Vehicles and is phased in as a digitized license take-over. There is a new computer system which images photos of the drivers. If they develop that system, the department will phase in mail order renewal if this bill is successful. There will not be a cost this fiscal year but as they begin to phase in the program there will be an additional cost. To qualify for a mail order renewal, the applicant must

not have accumulated five or more points on his driving record and must be notified no more than 60 days or less than 30 days prior to the expiration date of the license. An affidavit must be presented that he has no physical handicaps, he must have a valid driver's license, can't have a probationary license or a restricted license. He may only renew once and must then go back take the eye examination again. The bill gives the Department of Transportation and Department of Motor Vehicles to better serve the public at a cost savings. The system is patterned after the Florida and California laws. Probably 50,000 people will be renewing by mail.

**CHAIRMAN CLARK** asked if a fiscal note has been prepared. **REP. LARSON** indicated that there was not.

**PROPONENTS:**

**Dean Roberts, Administrator, Motor Vehicle Division, Department of Justice**, supported this bill as long-term relief to rural counties which will cut costs of other license service centers. There is no fiscal impact the first two years because it is designed to digitize the driver's license which is a very important issue to law enforcement. For the first few years, there will not be renewals. It gives the department the opportunity to develop the program and consequently, during the next regular session, cost savings will be realized. Fifty thousand people a year will use this service. The Department sees this service as a big benefit.

**OPPONENTS:**

None.

**QUESTIONS FROM COMMITTEE:**

**REP. MASON** questioned the required affidavit and asked if a doctors approval will be required.

**Mr. Roberts** stated that one of the problems which occurred when the bill originated was that of liability when they issued a driver's license. The affidavit would be a questionnaire which would be mailed out and consequently would put the burden on the recipient. This affidavit would question whether the person renewing the license was physically able and could still see to drive. The individual would send the affidavit back to the department under penalty of law. This takes some of the liability away from the State. A doctor's signature is not required on the affidavit.

**REP. VOGEL** asked about the costs of the program for this biennium.

**Mr. Roberts** stated that costs associated with this would be approximately thirty cents each. There would also be the cost of

someone processing all of this incoming mail. Ultimately, it will be less expensive.

**REP. VOGEL** questioned the older aged person and the length of time between renewals. He asked if there were some type of mechanism to determine this.

**REP. LARSON** stated that California faced the problem of age discrimination if there were restrictions of the mail service for residents 70 years of age and older. If in the opinion of the driver's license examining station, that person should be retested, the station has the discretion to force that resident to retake test.

**REP. WINSLOW** asked how many other states provide this service.

**Mr. Roberts** said that most of the surrounding states do not have the service but it is a popular procedure around the country.

**Connie Erickson** said that two states that have program. She stated that she had spoken with the Department of Motor Vehicles in California when the bill was drafted and they indicated that the program had resulted in significant cost savings in California.

**REP. WINSLOW** said that the base line would be established during the next biennium and then cost savings would be determined. She hoped that Montana would learn from other states and not repeat their errors.

**REP. STANFORD** asked if this would be available to commercial driver's license holders who need a doctor's certificate for renewal.

**REP. LARSON** stated that that affidavit would still require a signature.

**REP. WHALEN** said that he had a concern about older people with disabilities that may affect their ability to drive a motor vehicle, especially with the eight-year periods between registration. He said that the age discrimination issue raised by the Legislative Council does not take into account the fact that you are entitled to discriminate based upon the criteria set forth in the statute as a legitimate basis to doing so. In this particular case public safety is a legitimate concern.

**Mr. Roberts** stated that the department felt that older people should make a physical appearance.

**REP. WHALEN** asked if other states have a period of as long as 8 years in between renewals.

**Mr. Roberts** indicated that California has an 8-year renewal and that Florida and some other states have 6 and 8 year cycles

without mail renewal.

**Ms. Erickson** stated that Florida is 8 years and California has two mail renewals. Potentially in California there is a 16 year period between re-examination but there is an upper age limit. There is a law that provides states if a doctor examines people who they feel has developed a condition that would be an impairment to their driving, they may report that impairment to Motor Vehicles.

**Mr. Roberts** stated that Montana has a medical section whereby doctors are fairly responsible about telling the Department who should be re-tested for whatever reason. The one redeeming thing about older people is the fact that when they are involved in an accident, they generally are not serious accident because they drive so slowly in most cases.

**REP. GALVIN** asked if it were possible to call a suspected applicant in for visual inspection.

**Mr. Roberts** stated that as long as the request was sent in writing, an investigation is called. The individual is visited and it is determined what their skills are like in talking with them and then they are given a driving test. If a problem occurs, they will be re-tested.

**REP. VOGEL** said that if he sees someone who had a problem the solution would be to call the local law enforcement facility. A driver's license is many times the only source of identification for suspects in law enforcement. Young people change. Are they still going to have the same photo on them.

**Mr. Roberts** stated that they were. There is not a 15-18 year old who, when his next license comes around, is not going to want that picture on his license. He is going to want that age 21 picture on his license. That person will receive that new driver's license; he will give the department that information back with new statistics of weight and height. Because of digitizing his photo will appear again but with the new statistic of address and personal appearance. There will be four year information on that license.

**REP. EWER** asked if the digitalization is a separate issue than going to license renewals. He also asked how many licensed drivers there were in Montana.

**Mr. Roberts** answered yes to the digitalization and that there were 650,000 licensed drivers in Montana.

**REP. EWER** then questioned how many people did not pass the eye examination per year and whether it would increase the number of people that should have eye tests substantially.

**Mr. Roberts** indicated that there were approximately 10,000

persons who did fail the eye examination. As an example, California has shown no appreciable increase in accident rates. There will be a few who will slip through.

**CHAIRMAN CLARK** asked if this would lead to the eventual elimination of driver's services in rural areas. From a standpoint of identification, how does the Fish and Game respond to this idea as far as people buying resident fishing and hunting licenses and in turn may be living out of state and may have been for several years. He asked if licenses would be mailed out of state.

**Mr. Roberts** stated that it would only be a reduction in the driver's services in the rural areas. This part of the plan will allow the department to continue to go to 56 counties on a less frequent basis.

**Mr. Roberts** stated that when plans are finally implemented, there will not be as many customers coming to the counter for renewal. It will allow the department to reduce the visits to these towns.

**REP. LARSON** said that there was such a problem now with people from out of state buying in state licenses. Now, only the production of a license from the previous year is required.

**CHAIRMAN CLARK** stated that the driver's license is the prime criteria. If that driver's license is current and contains an address in Montana, the Fish and Game should be allowed input into this question.

**Mr. Roberts** stated that the department was much more serious in requiring a resident address. There is a new system called PDPS, a national system which states that there will be one driver's license per individual. Every other state's records can be checked immediately with a name to determine if that person also has a license in another state.

**REP. EWER** asked if mail renewal was possible if corrective lenses for reading were required.

**Mr. Roberts** stated that renewal was permissible.

**REP. LARSON** closed on the bill.

#### EXECUTIVE ACTION ON HB66

**Motion:** **REP. VOGEL** made a motion DO PASS on HB66 which was seconded by **REP. TASH**.

**Discussion:** **REP. BARNETT** asked whether a person who had acquired a restricted license received a renewal notice by mail.

**Mr. Roberts** stated that everyone will get a notice even people

with points.

**CHAIRMAN CLARK** again stated his concern for the matter of license renewal in regard to matters of identification for Fish and Game matters.

**REP. LARSON** stated that he would contact the Fish, Wildlife and Parks personnel regarding this matter before the bill came up for vote on the floor

Vote: The motion DO PASS passed 15-1 with REP. EWER voting no.

ADJOURNMENT

Adjournment: 3:40 P.M.

  
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REP. BOB CLARK, Chairman

  
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ALBERTA STRACHAN, Secretary

BC/as

HOUSE OF REPRESENTATIVES  
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 12-8-93

NAME	PRESENT	ABSENT	EXCUSED
REP. BOB CLARK, CHAIRMAN	✓		
REP. KARYL WINSLOW, VICE CHAIRMAN	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER	✓		
REP. PAT GALVIN	✓		1
REP. MARIAN HANSON			✓
REP. VERN KELLER			✓
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH			1
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		1

HR:1993  
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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Highway COMMITTEE HB 66  
 DATE 12-8-93 SPONSOR(S) Don Larson

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Dean Ruppert	Dept. of Justice, MVD	66		✓

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