

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN SHIELL ANDERSON, on January 6, 1995,
at 3:05 P.M.

ROLL CALL

Members Present:

Rep. Shiell Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Matt Brainard (R)
Rep. Robert C. Clark (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Jeanette S. McKee (R)
Rep. Dore Schwinden (D)
Rep. Roger Somerville (R)
Rep. Joe Tropila (D)
Rep. Jack Wells (R)

Members Excused: Rep. Marian W. Hanson

Members Absent: Rep. Charles R. Devaney
Rep. William M. "Bill" Ryan

Staff Present: Valencia Lane, Legislative Council
Kim Greenough, Committee Secretary

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

Committee Business Summary:

Hearing: HB 48
Executive Action: None

HEARING ON HB 48

{Tape: 1; Side: 1; Approx. Counter: 001; Comments: None.}

Opening Statement by Sponsor:

REP. DON LARSON, House District 58, Missoula, said that the purpose of HB 48 is to bring Montana law in conformity with Federal Law. The bill will require that vehicles transporting 15+ passengers comply with federal and state regulations.

Proponents' Testimony:

Craig Reap, Colonel, Montana Highway Patrol, stated that this bill will require all vehicles including, old buses for Boy Scouts, church groups, etc. to comply with federal regulations. This bill would also subject these 15+ passenger vehicles to inspections. SEE EXHIBIT # 1.

John Campbell, Concerned Citizen, stated a request that if HB 48 passes that there is no favoritism played. He also stated that the safety issue needs to be enforced.

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

REP. ROGER SOMERVILLE asked if there was any additional funding necessary for HB 48. Craig Reap answered that there was no additional funding necessary. He also added that if this bill is not passed the funding could be lost from the federal government.

REP. BOB CLARK asked where they got the figure of 15+ passengers. Mr. Reap replied that the figure came from the federal regulation.

REP. BOB CLARK asked if the school bus contractor who leases or charges a fee for his bus to haul senior citizens or church groups, etc. during the off hours of hauling school children fit into this bill. Mr. Reap replied that they are not covered under this bill because it is considered a "for hire" vehicle.

REP. BOB CLARK asked if HB 22 would affect this bill. Beth Baker, Department of Justice, replied that they do comply with HB 22, but, she feels that this will not be affected by HB 22.

REP. MATT BRAINARD asked if this bill would apply to federal vehicles. He also asked how long the federal government would fund 80% of this program. **Ms. Baker** replied that she could not predict how long the federal government would help fund this program. She also stated she had not heard of any plans for the federal government to cut funding for this program. **Ms. Baker** added that she could not answer if the bill applies to federal vehicles.

REP. MATT BRAINARD elaborated that he has found that federal vehicles in the past have been deficient in safety matters. He also stated that if they are traveling on state roads they should comply to the safety standards of this state. **Curt Rissmann, Montana Department of Justice**, replied that federal vehicles, Rescue and Emergency vehicles are exempt from the regulations stated in this bill.

REP. JACK WELLS asked what is the cost of HB 48 if passed. **Craig Reap** replied that he does not have that information with him but, he estimates the cost to the state is under \$100,000.00 per year for this program. He also adds that the program has been under effect for ten years and there is no indication that the federal government will drop funding.

REP. JACK WELLS asked if the Boy Scouts or churches, etc., who own these vehicles, would be subjected to extreme amounts of money due to the passage of this bill. **Craig Reap** replied that it would be grandfathered in the bill that there would be no additional safety devices, etc. required at the time that the vehicle was manufactured.

REP. JACK WELLS asked if recent vehicle purchases would be subjected to additional safety devices. **Mr. Rissmann** replied that there are no significant devices required.

REP. DANIEL MCGEE asked if any "old" school bus going down the road would be subjected to these inspections. **Mr. Reap** replied yes, that is correct. **REP. MCGEE** asked if the Hutterites would be subjected to these inspections. **Mr. Reap** replied yes. **REP. MCGEE** stated that the original intent of the law was to protect the public. He also asked if this bill was just to comply with the federal mandate. **Mr. Reap** replied that they are concerned about losing the federal funding if this bill is not passed. He also stated that in the last 10 years (since they have been doing these inspections) there has been a decline in accidents involving these particular vehicles. He stated he sees this as more of an safety issue rather than a federal compliance.

{Tape: 1; Side: 1; Approx. Counter: 698; Comments: None.}

REP. DANIEL MCGEE stated that he is concerned that there are some unnecessary requirements under this law. **Mr. Reap** stated his concern is the size of the vehicle and the other users of the road. He stated that the size of the vehicle contributes to a larger accident. He stated that HB 48 would reduce some unnecessary accidents. He also said the list of inspection items is quite lengthy. There are some "out of service" items, but, most are not. The minor violations would not place the vehicle out of service.

REP. ROD MARSHALL asked how the Department of Transportation accounts for the \$100,000.00 and how does the Department of Transportation charge for this program. **Mr. Reap** replied that there was no charge for this program and it is a part of an overall safety program. He also stated that all of the federal money goes through the State. **REP. MARSHALL** asked if the money goes into the general fund. **Mr. Reap** replied no, it does not go into the general fund. He also added that, to his understanding, the federal portion of the funding goes through the Department of Administration. **REP. MARSHALL** asked if 80% of the money goes to bookkeeping. **Mr. Reap** replied that to his understanding the answer to the question would be yes.

REP. BOB CLARK asked if a school bus converted to a camper was exempt from this bill. **Craig Reap** replied that there is a section in law to provide for these vehicles and they are required to have a inspection.

REP. BOB CLARK asked if Mr. Reap could explain to the committee who does these inspections. **Mr. Reap** stated that there are eight field inspectors who are non-uniformed employees. He also said that there are 60 uniformed officers who have the training to do these inspections and there are 100+ persons in the Department of Transportation and the Motor Carriers Division doing these inspections.

REP. MATT BRAINARD asked what the GVW (Gross Vehicle Weight) is on these vehicles. **Mr. Rissmann** stated the GVW is 26,000 pounds.

REP. MATT BRAINARD asked if these inspections are done before licensing or randomly. **Mr. Rissman** replied that the inspections are done randomly.

REP. JOE TROPILA asked if the federal funding runs out would there be a fee charged. **Beth Baker** replied if the federal funding runs out they would have to come back to the Legislature because it is a part of our budget and the Legislature would have to make the decision to continue this program or not.

REP. JOE TROPILA asked if the buses that go to and from the Grizzly football games in Missoula would be subjected to these inspections. **Mr. Rissmann** asked **REP. TROPILA** if they were paid to do these runs. **REP. TROPILA** replied that the passengers would pay a \$2.00 fee to ride these buses to the football games.

REP. MATT BRAINARD stated that the school buses in Missoula are under contract and they are not actually owned by the school systems.

REP. SHIELL ANDERSON stated that **REP. LARSON** could answer **REP. TROPILA's** question in his closing statements.

REP. ROD MARSHALL asked "how come you don't run out of money if you don't charge for these inspections?" **Mr. Reap** replied that the money is appropriated into our budget every year and if we did not have the money we would not have the program. **Ms. Baker** also replied that we would run out of money if the federal government dropped the program.

REP. SHIELL ANDERSON asked where state match money comes from. **Beth Baker** replied the state match comes from taxes on fuel.

REP. ROD MARSHALL asked how money gets allocated in your budget. **Ms. Baker** replied that there are certain allocations for these inspections and the operating expense.

REP. SHIELL ANDERSON stated he has concerns for the Hutterites, baseball teams, etc. and that this will put some significant costs on these organizations. He also asked if we do not pass this law, is there something written by the federal government where it says they will cut off funding. **Mr. Rissmann** replied that there is something written where we have to be compatible with federal regulation. **REP. ANDERSON** asked if the federal government has "red flagged" this particular problem. **Mr. Rissmann** replied no, they have not.

{Tape: 1; Side: 2; Approx. Counter: 001; Comments: None.}

Steve Berry, Montana Highway Patrol, stated that the state enforcement plan, which is developed every year with the federal counterparts, requires that regulations and statutes in the state be compatible with the federal regulations. This is one of those statutes that is not compatible and that is why they are here.

REP. DANIEL MCGEE stated that state law does not currently have this on the books. **Mr. Berry** replied that it is not in the law books.

Closing by Sponsor: REP. DON LARSON stated that in the Highways committee we will see more federal mandates than any other committee because the highways funding is heavily mandated by the federal government. This is a mandated program to bring us into compliance with federal law. He also stated this bill will promote public safety on our highways. There are no changes for the school bus operators. He said in response to REP. TROPILA's question the buses that haul passengers to and from football games is considered a "for hire" bus and they comply to all of the safety regulations. He also stated this has no fiscal impact. He recommends a do pass on HB 48.

HOUSE HIGHWAYS & TRANSPORTATION COMMITTEE

January 6, 1995


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ADJOURNMENT

Adjournment: 3:57 p.m.



REP. SHIELL ANDERSON, Chairman



KIMBERLEE GREENOUGH, Secretary

SA/ksg

HOUSE OF REPRESENTATIVES

Highways

ROLL CALL

DATE 1-6-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Shiell Anderson, Chairman	✓		
Rep. Rick Jore, Vice Chairman, Majority	✓		
Rep. Pat Galvin, Vice Chairman, Minority	✓		
Rep. Joe Barnett	✓		
Rep. Matt Brainard	✓		
Rep. Bob Clark	✓		
Rep. Charles Devaney		✓	
Rep. Marian Hanson			✓
Rep. Don Larson	✓		
Rep. Rod Marshall	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Jeanette McKee	✓		
Rep. Bill Ryan		✓	
Rep. Dore Schwinden	✓		
Rep. Roger Somerville	✓		
Rep. Joe Tropila	✓		
Rep. Jack Wells	✓		

DEPARTMENT OF JUSTICE
HOUSE BILL 48:
Motor Carrier Safety Assistance Program

EXHIBIT 1

DATE 01-06-95

HB 48

Purpose

To make Montana motor carrier safety laws current with federal regulations regarding passenger transport vehicles.

Background

The Federal Surface Transportation Act of 1982 authorizes grants to states for the enforcement of federal motor carrier standards and related state laws. The Motor Carriers Safety Assistance Program (MCSAP) of the Montana Highway Patrol is designed to improve highway safety. The program is 80 percent federally funded. Most funding is dedicated to safety inspection functions, and the program also does some traffic safety enforcement. MCSAP is a safety program; since the Highway Patrol began administering it in 1985, commercial truck accidents have decreased by 37 percent.

Current Montana law subjects passenger transport vehicles to MCSAP regulations if the vehicles are used "for hire." The law covers any commercial business operating commercial vehicles for transportation of passengers that receives direct or indirect compensation for its transportation services, such as a bus service that charges passengers a fee.

Proposal

Under HB 48, all commercial passenger vehicles (those vehicles designed to carry more than 15 passengers, including the driver) will be subject to MCSAP regulations, even if there is no fee for individual use. Examples include civic organizations that use buses to transport members; companies that use buses to transport their employees to and from a job site; homes for the elderly that use buses to transport residents, and professional musicians who use buses for concert tours.

The intent of HB 48 is to ensure that private motor carriers that transport passengers:

- employ or use qualified drivers,
- maintain equipment in a safe manner,
- ensure that drivers operate within the hours of service regulations,
- have the proper amount of insurance, and
- stay in compliance with federal regulations.

The bill will have *no effect* on whether the driver of the vehicle is required to obtain a commercial driver's license--that is already required under current law. Nor will it effect school buses--they are governed by other statutes.

This bill promotes traffic safety and will keep Montana in compliance with federal MCSAP regulations as a necessary condition of federal funding of the MCSAP program.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

HIGHWAYS COMMITTEE BILL NO. HB48
 DATE 1-6-95 SPONSOR(S) REP. DON LARSON

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Beth Baker	Dept of Justice	HB48		✓
Curt Ruessmann	Dept of Justice	HB48		✓
CRAIG REAP	MHP	HB48		✓
STEVE BARRY	mHP	HB48		✓
John Campbell	Public	HB48		✓

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