

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN LARRY TVEIT**, on January 24, 1995, at
1:00 p.m. in Room 410

ROLL CALL

Members Present:

Sen. Larry J. Tveit, Chairman (R)
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Arnie A. Mohl (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Carla Turk, Committee Secretary

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

Committee Business Summary:

Hearing: SB 86, SB 91, HB 48
Executive Action: SB 43, SB 49, SB 86, SB 91, SB 96

HEARING ON Senate Bill 86

{Tape: 1; Side: A; Approx.:.}

Opening Statement by Sponsor:

SENATOR DELWYN GAGE, Senate District 43, Cut Bank, said SB 86 had been requested by the Montana Department of Transportation (MDT) and required those with a tax liability of \$500,000 or greater to make payment by electronic transfer. He stated that the Bill also authorized certain tax returns and tax information be provided to MDT by electronic format. **Senator Gage** related he would let MDT personnel further explain the Bill.

Proponents' Testimony:

William 'Bill' Salisbury, Administrator, Administration Division of the Montana Department of Transportation, Division of Motor Fuels, explained SB 86 as a two part bill. He defined the first part as requiring electronic fund transfers of \$500,000 or greater to be the same as it was within the Department of Revenue. He said that in the 1991 session during the creation of the Montana Department of Transportation (MDT) some things had been transferred and this was one item which had not been moved, and SB 86 would make these fund transfers consistent with others. Mr. Salisbury described the Bill as a general fund benefit as they would be the ones acquiring interest on the unearmarked revenue account. He proclaimed the fiscal impact to be about \$11,000 a year depending on the amount of tax collections. Mr. Salisbury explained the second part of the Bill as allowing the MDT to take electronic tax payments instead of using the current manual process. He reported MDT and the State as having endorsed a new tax administrators plan which offered tax payments by electronic format for ease of filing and SB 86 would allow MDT to accomplish that goal. (EXHIBIT #1)

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR CHARLES "CHUCK" SWYSGOOD asked if the figure in his testimony was \$11,000 or \$111,000 as his written testimony showed? Bill Salisbury stated that he stood corrected, and the correct amount was \$11,000.

SENATOR BARRY "SPOOK" STANG asked if this was going to require small distributors, other than the eight or so in the \$500,000 bracket, to electronically transfer funds or would the Bill just allow them to make transfers? Mr. Salisbury answered both, some people want to make the transfers and there will be three who will have to electronically transfer funds at various times of the year.

SENATOR STANG questioned that there were only three over \$500,000, when the fiscal note said eight? Mr. Salisbury replied that there would be eight, as five were currently making the transfers.

SENATOR STANG queried as to whether the Bill would force the smaller dealers to make payments electronically or could they choose to make payments by check? Mr. Salisbury said that was correct they could make that choice.

SENATOR REINY JABS asked if the three dealers over \$500,000 would be forced to file electronically? **Mr. Salisbury** said that was correct.

SENATOR JABS asked if those dealers had a problem with the requirement? **Mr. Salisbury** remarked that they 'hadn't heard anybody scream'.

SENATOR STANG asked for a description of the process required for electronic filing; would a form have to be filed with MDT, telling the distributors what day the money would be taken from their accounts or would the withdrawal be made randomly? **Mr. Salisbury** explained the process as a direct wire transfer with the distributor's bank or holding account. He further explained the process as a prearranged situation where the distributor made arrangements with their bank for direct wire transfer. He said the payments were still due on the 25th of the month with only the procedure of payment being changed.

SENATOR STANG asked if the form which needed filled out was the same, so all that was being changed was the float time on the check? **Mr. Salisbury** said if the second part of the Bill, allowing the ability to electronically file was implemented, that would be correct. He commented that there were a lot of the majors who did want to file electronically just as they currently did in other states.

Closing by Sponsor:

SENATOR GAGE said he thought the bill was just stating a need to get into the electronic age in order to take advantage of business practices available via electronics, instead of using the mail and experiencing all of the related problems. He stated that many of the parties already had the material needed for filing and paying their taxes, in their computers.

CHAIRMAN TVEIT pronounced the Hearing on SB 86 closed.

HEARING ON SB 91

Opening Statement by Sponsor:

SENATOR MACK COLE, Senate District Four, of Hysham, reported SB 91 as a two part bill which he was sponsoring for the Montana Department of Transportation (MDT). He described the first part of the Bill as reducing the burden to both government and industry by obtaining special permits to move overweight loads. He said the fees in the second part of the Bill were not new or additional. He portrayed the fees as an attempt by MDT to offer an annual permit at a price which was expensive enough as to not

compromise the intent of the overweight permits, yet cheap enough to offer a benefit to the industry. **SENATOR COLE** urged the Committee's consideration of a Do Pass and turned explanation of the Bill over to other proponents.

Proponents' Testimony:

Dave Galt, Administrator of the Motor Carrier Services Division (MCS), for the Montana Department of Transportation, presented his testimony in written form. **(EXHIBIT #2)** He said that the 1993 legislature had raised the cost of permits issued to move nonreducible overweight loads. He said the increase was based on a highway system damage study by the Montana State University. **Mr. Galt** termed the new fee structure as more complicated than the previous system and had resulted in an increased workload in their office. He said he presumed the burden had been increased for those who frequently move nonreducible overweight loads.

Mr. Galt termed the Bill as an effort to improve permit service to the trucking industry, as it would allow the Department to establish agents to issue oversize permits. He said MDT currently only allowed agents to issue permits for registration and fuel permits. **Mr. Galt** said MCS would continue to issue permits, but they felt private industry may be able to provide twenty-four hour, seven day a week coverage while MCS was unable to do with their increased work load.

Mr. Galt said the second portion of the Bill provided for additional annual overweight permits. He said that carriers who had equipment which needed overweight permits may opt to purchase them on an annual basis and avoid securing a permit each time. He said in setting these fees they had tried to set a fee that did not compromise their existing system or the belief that highway damage should be recouped by the move. He further stated that there had also been an effort to set fees which were cheap enough that industry people would purchase and make use of the annual permits. **Mr. Galt** reiterated that the intent of this Bill had been to create a fee which was fair to both parties. He said he remained available to answer any question, and urged the Committee's support.

Ben Havdahl, of the Montana Motor Carriers Association, stated their desire to go on record in support of SB 91. He said there was one point of clarification he would like to make in regard to the reference as these being overweight load permits. **Mr. Havdahl** explained them as permits for carriers of very specialized equipment and as loads which were overweight, but not reducible. He said the permits being addressed did not apply to loads which were reducible. He said the type of load this Bill applied to was quite infrequent and very specialized.

Mr. Havdahl attested that his Association had been involved in the study **Mr. Galt** referred to and supported the results. He said they had also supported the Bill during the last session to adjust the load permit fees for this particular type of loads. He confirmed that current law allowed these permits on a trip by trip basis and an annual permit for \$200 on loads in the 5,000 pound excess weight load classification. He said these additional term permits provided for in the Bill would allow term permits for up to 10,000, 15,000 and 20,000 pounds for different proportionate annual fees assessed. **Mr. Havdahl** said the Bill was designed for convenience and they were in support as well as support the idea of authorizing privatizing permits.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR CHARLES 'CHUCK' SWYSGOOD asked how use of the Bill was going to be controlled? **Mr. Galt** asked for a specific concern.

SENATOR SWYSGOOD said that currently a 10,000 pound permit cost \$7 for every twenty-five miles traveled, while SB 91 allowed unlimited mileage for \$500. **Mr. Galt** stated that was correct, the proposed permit fees were all based on approximately fifteen hundred miles per year. He said that the Senator was correct in assuming that if someone was going to travel more than fifteen hundred miles in a year, they were going to receive a benefit from the new structure. He continued that he assumed that someone traveling less than fifteen hundred miles would have to weigh the cost and burden.

SENATOR SWYSGOOD asked if he was correct in assuming the Bill provided for out of state carriers as well? **Mr. Galt** interpreted that the provision would apply to any carrier who hauled nonreducible overweight loads within those weight limits.

SENATOR SWYSGOOD said he had a concern with some of the carriers who were heavy equipment haulers from out of state, who probably traversed the whole length of Montana in route to their destination. He wondered if those carriers might be getting a pretty good advantage? **Mr. Galt** said that was true, and that was the difficulty within the decision he had to make when setting those permit fees at a reasonable fee which did not compromise the system. He offered one perspective, that in a lot of the things moved across the state, there was a lot of it which the 20,000 pound permit cap would often be exceeded.

SENATOR SWYSGOOD asked if those large load permit numbers had been reviewed to arrive at some sort of an average weight for setting the new permit fees? **Mr. Galt** said he had stopped at

20,000 pounds because he and the Department did not feel comfortable offering a permit which was basically annual use without additional restrictions. He stated that when a load was over 20,000 pounds the individual vehicle configuration needed to be looked at regarding individual axle weights. He explained that when a load exceeded 20,000 pounds there was risk of causing extreme damage to the system. He expressed that as the reason for stopping at 20,000 pounds, not through developmental use of an average.

SENATOR SWYSGOOD said the Bill would allow the Department to contract with a private party for issuance of the permits, and asked if there was a cost associated with this portion of the Bill. **Mr. Galt** contended that there would be no cost to the state of Montana. He stated that he did not plan on paying these people to issue permits, and contended that he had been approached by several companies in the business of providing licensing and fuel reporting permit services and identified them as being glad to issue the permits. He said those issuing the permit would collect their own fee for processing.

SENATOR SWYSGOOD asked if those were the nation-wide permitting services at truck stops and other places who normally handled like matters? **Mr. Galt** said that was correct, and it could be anybody within the state who could provide that service.

SENATOR SWYSGOOD queried as to whether those issuers could decide to charge an issuance fee to the purchaser of the permit? **Mr. Galt** answered yes, and explained that a lot of registration, trip and fuel permits were already being sold through these same services.

SENATOR ARNIE MOHL asked if the permits had to be purchased from these services? **Mr. Galt** answered that his Department was still going to stay in the permit business. He described his intended goal, with the success of this proposal, as allowing their office staff concentrate on the complex, difficult or rare permits and to eliminate some of the burden of issuing of these routine permits. He further explained that no one would have to buy an annual permit or purchase the permit through an agent unless you thought it was to your benefit. He stated that the weight stations would still offer trip permits, as would the Department's office.

SENATOR REINY JABS asked if the language which state \$1,000 for 20,000 pounds of excess axle weight meant 20,000 pounds per axle or per truck? **Mr. Galt** clarified that as meaning excess axle weight, above and beyond the legal limits. He stated that if you had a nonreducible load on a regular truck with two tandem axles, the proposal would be speaking of 10,000 pounds excess weight for each axle, above the 34,000 pound limit.

SENATOR JABS reasked if that meant 20,000 pounds per vehicle? **Mr. Galt** answered that a 20,000 pound vehicle was legal for a single axle and did not have to purchase a permit to operate. He continued that if the single axle exceeded 20,000 pounds while carrying a nonreducible load, they would issue an overweight permit to that vehicle. He maintained that nothing was going to change for single axle vehicle legal weight limits until that vehicle was carrying a nonreducible overweight load, then the permit would be based on the amount of excess by which the load exceeded legal axle limits.

SENATOR JABS asked who some of the agents might be for issuing the permits, and asked if they were presently available? **Mr. Galt** said they had several agents throughout the state, such as a couple of Town Pump's, Quick Stop's and truck stops who sold registration and fuel permits for them. He said he envisioned that with passage of this Bill there would be the introduction of some out of state companies and possible any company in Montana could sell the permits. He explained that he was going to require passing a competency test before an agent could issue the overweight permits. He contended that if anyone wished to take that time and trouble to prove their ability to issue those permits he would be happy to set them up.

SENATOR JABS asked if they had some way of controlling the collections? **Mr. Galt** affirmed that the agents would be contracted through the Department, would be audited by the Department just as the procedure presently being used regarding issuance of other permit types.

Closing by Sponsor:

SENATOR COLE reflected on the Bill and the good discussion which had ensued, he determined that this was the type of Bill which would not have any problems. He further termed the Bill as beneficial to the industry and facilitate work reduction for the MDT and therefore recommended passage.

CHAIRMAN TVEIT declared the hearing on SB 91 closed.

HEARING ON HB 48

Opening Statement by Sponsor:

Representative Don Larson, House District 58, Seeley Lake, described HB 48 as a fairly straight forward Bill which he was sponsoring for the Department of Justice. He identified the purpose of the Bill as bringing Montana law into conformity with federal motor carrier safety regulations regarding passenger vehicles carrying more than fifteen passengers. **REPRESENTATIVE**

LARSON explained that the Motor Carriers Safety Assistance Program was an 80% federally funded program the state had been involved in since 1985 and was utilized to finance a safety program for the Department of Justice. He said the purpose of the safety program was for the inspection of passenger vehicles and public carriers to make certain those vehicles were safe. He said the Bill would bring another facet of those vehicles into the program.

Proponents' Testimony:

Colonel Craig Reap, Administrator for the Montana Highway Patrol, stated that he had just passed out some information regarding the Bill. (**EXHIBIT #3**) He added that from his standpoint the purpose of the Bill was to promote traffic safety. He reiterate **REPRESENTATIVE LARSON'S** statement that the Motor Carrier Safety Assistance Program (MCSAP) was a part of the Montana Highway Patrol (MHP) since 1985 and stated that since then the MHP had seen about a 37% decline in commercial vehicle accidents. **Colonel Reap** stated that the Patrol would like to think some of their efforts had something to do with that decline.

Colonel Reap explained that this law involved a very small category of vehicles, but it involved some vehicles which could be a major problem to all of the motoring public in Montana. He termed the category as the type of vehicle which was most easily described as, for example, a retired school bus. He said it was the type of vehicle small groups would purchase for transporting small groups of people to functions and the operator was not being compensated for that transportation. He said they viewed this as a hazard and a possible safety problem on the roadway, because, due to their age, some of those vehicles were not maintained properly.

Colonel Reap explained that they presently had no ability of regulating the safety of that particular group of vehicles. He confirmed that they had the program in place which was 80% federally funded, had eight field inspectors to do the inspections, there would be no cost to the owner of the vehicle, and no record keeping requirements would befall the owner of the vehicle. He contended that the Bill would simply provide an ability for the MHP to monitor these vehicles and take enforcement action for safety purposes. **Colonel Reap** reminded the Committee that the size of vehicles being addressed were those carrying more than fifteen passengers. He described the size of vehicles designed to carry more than fifteen passengers as larger than average and maintained that when involved in an accident, it was usually very serious. He maintained that they saw the Bill both as a compliance with federal regulation, but more importantly as a very important safety aspect.

Colonel Reap announced that Deputy Chief, Major Steve Barry, Director of MCSAP and Bureau Chief Curt Rissman were present and able to answer any technical questions the Committee may have. He urged the Committee's support for the legislation and offered to answer any questions they may have of him.

Ben Havdahl, representing the Montana Motor Carriers Association, stated that they would like to go on record in support of HB 48

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR LINDA NELSON asked what this legislation would mean to someone who had purchased an older vehicle and fixed up to voluntarily transport a small group to a recreational activity? She inquired as to whether the owner would take the vehicle to someplace for an inspection before he could transport those people? **Colonel Reap** answered yes, he would be subject to the annual CVSA inspection, and all he would have to do is contact the Montana Highway Patrol Office in his area or take the vehicle to a scale. He stated that there were inspection stations at scales, and inspections were done at no charge.

SENATOR NELSON asked what the inspection involved? **Colonel Reap** explained that it involved quite a lengthy list of items, some of which were termed out of service items. He said those were things which required that they fixed immediately, before the vehicle could be moved. He termed those as the real serious violations such as brakes. **Colonel Reap** stated that there were other items which would tend to spot a potential problem before it became worse and a correction period was allowed for the owner to make corrections, when he returned the inspection form with those signed off as corrected.

SENATOR NELSON asked if these vehicles were not currently required to have any inspection? **Colonel Reap** affirmed that as correct.

SENATOR REINY JABS asked if the law pertained to vehicles such as a suburban? **Colonel Reap** replied that vehicles such as that would not fall into this category, as this was for a vehicle which was designed to carry more than fifteen. He stated that the vehicles being addressed in the Bill would not be required to fulfill any requirements which were not in place at the time that vehicle was manufactured.

SENATOR RIC HOLDEN asked how accessible inspectors would be, as this sounded like quite a hassle? **Colonel Reap** stated that he didn't feel it would be too inconvenient, as they did a lot of

inspections. He reaffirmed that the inspectors were available at the scales during regular business hours or maybe a little longer, and one phone call to set up an appointment could result in the inspector coming to where the vehicle was.

SENATOR HOLDEN asked where the scale houses were in Ekalaka, Baker or Glendive, as he didn't know of any which were close? **Colonel Reap** said they had an inspector at Glendive.

SENATOR HOLDEN asked if **Colonel Reap** had said that the inspector would go directly to the place? **Colonel Reap** said that at times they did, but it depended on the situation and explained that sometimes the inspectors left the scales to do roadside inspections. He affirmed that he was sure something could be worked out, as they did it for the regular carriers in Montana.

Closing by Sponsor:

REPRESENTATIVE LARSON reminded the Committee that the Bill was designed to bring Montana's rules and laws into federal compliance and that it was a safety issue. He said it had been fairly well established, within state policy, that Montana wanted their public transportation to be operated in a safe fashion. He reminded them that there was no cost to the general fund and stated that the Department of Justice had assured him there would be very few vehicles involved. He explained that there was no official notification procedure. He then urged a 'Do Concur'.

CHAIRMAN TVEIT declared the hearing on HB 48 closed. He further stated that the Committee had Bills awaiting executive action and asked the Committee's pleasure? He asked if they would like to take action on the last bill heard?

SENATOR LINDA NELSON asked to hold executive action on HB 48 until she could speak to individuals she knew the Bill would affect.

EXECUTIVE ACTION ON SB 43

Discussion: **Connie Erickson** presented the Amendments requested by **SENATOR MOHL**, (EXHIBIT # 4). She explained the amendments as allowing the Department to convey the land, or an interest in the land with a conservation easement or a right-of-way easement.

Motion: **SENATOR SWYSGOOD** moved the amendment.

Discussion: **SENATOR STANG** asked if the right-of-way easement also applied to an irrigation ditch traversing the land. He clarified by asking if the property was sold with a ditch going through it, would the amendment prevent the purchaser from

shutting off the ditch? He identified that as a concern of the farmers, the last time the bill was presented to legislature. **Connie Erickson** said she hadn't really considered that.

SENATOR MOHL asked Tom Barnard to respond to **SENATOR STANG'S** question. **Mr. Barnard** stated if there were existing easements of any type, that easement became a part of the future deed when property was sold. He reiterated that to mean that any type of easement would stay in affect.

THE QUESTION WAS CALLED FOR.

Vote:

The Motion to Amend SB 43 Carried Unanimously.

Discussion:

CHAIRMAN TVEIT asked if there were any other amendments? He stated that the Bill distinctly had two parts which were totally separate from one another. He explained by stating that this proposal had originally been two separate bills, but had been combined into one.

Motion:

SENATOR MOHL Moved SB 43 DO Pass As Amended.

Discussion:

SENATOR NELSON stated that her people from Daniels County were not real happy with the Bill as they had a lot of state land, and an abandoned railroad right-of-way which they were concerned could be taken over by Fish Wildlife and Parks rather than have the land revert to agricultural land. She articulated these people as adamantly opposed to the Bill.

SENATOR HOLDEN stated that he wasn't really in favor of the Bill and asked **SENATOR MOHL** for his reasons of support? **SENATOR MOHL** stated that the Bill had been presented as only pertaining to property the Department had purchased and were going to sell it back to the landowners, adjoining or wishing to purchase, not to the Fish & Game or anyone. He said it had been explained as excess property purchased because of how the section line traversed the property and many of these little parcels of land could be farmed if the Department was able to dispose of them. He interpreted the reason for the Bill as disposing of the property and he felt this would be an aid to weed control and other problems.

SENATOR HOLDEN asked where the Bill stated that this land could not be sold to just anyone? **SENATOR MOHL** answered that it could be sold to anyone.

SENATOR COLE stated that information he had received from a constituent caused him to be worried about setting a precedent which could create problems in the future. He maintained that for that reason he did not think it was a good Bill to pass.

CHAIRMAN TVEIT asked if the Bill would pertain to land the Department would be buying in the future, not just the land Senator Mohl spoke of as having already been purchased? **Tom Barnard** stated that the Bill was specific to the Montana Department of Transportation and pertained to land which had been purchased in the past as well as future land purchases.

THE QUESTION WAS CALLED FOR.

Vote:

ROLL CALL VOTE #1 THAT SB 43 DO PASS AS AMENDED FAILED WITH SENATORS TVEIT, SWYSGOOD, HOLDEN, NELSON, COLE AND STANG VOTING NO AND SENATORS MOHL, JERGESON AND JABS VOTING YES.

Motion/Vote:

SENATOR SWYSGOOD MOVED TO TABLE SB 43 AND THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 49

Discussion:

Connie Erickson explained that there were two sets of amendments prepared for SB 49. She explained the substantive amendment as SB004901.ace (**EXHIBIT 5**) and it struck all of section 7 on page 10 and 11. She stated the amendment would make the minimum fee, for that special GVW fee, remain at \$6 and not increase. She clarified the other amendments on the page as cleanup, because when a section was struck it required renumbering and such.

Motion:

SENATOR SWYSGOOD Moved Amendments SB004901.ACE. (**EXHIBIT # 5**)

Discussion:

SENATOR STANG asked the rationale for going back to \$6 instead of \$7? **SENATOR SWYSGOOD** made reference to the Ag exemption and maintained that was the cost before and it would continue at that rate.

SENATOR STANG queried as to whether that would change the fiscal note? **Dave Galt** said that with the revised fiscal note and the affect of going back to \$6, the Highway Special Revenue Fund would take a reduction of \$12,000. He described that figure as the nearest, best estimate.

SENATOR STANG asked where the \$12,000 would be generated? **SENATOR SWYSGOOD** answered that the additional revenue would come from an increase in the current \$15.00 base trailer plates fee to a total revenue of \$100,000.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION CARRIED WITH SENATOR STANG VOTING NO.

CHAIRMAN TVEIT stated that another set of amendments numbered SB004902.ace had been placed before the Committee. (EXHIBIT # 6)

Connie Erickson explained the second set of amendments as not doing anything substantive to the Bill and as simply technical amendments. She described number 1. and 2. as cleaning up a title problem on line 8, which referred to requirement of staggered registration for trucks exceeding a one ton rated capacity, eliminating staggered registration for trucks exceeding a licensed GVW of 10,000 pounds. She articulated that statement as incorrect and stated the title should read requiring staggered registration for trucks up to and including a one ton rated capacity. She reported that as what was contained in the Bill and only the title was incorrect.

Ms. Erickson defined number 3. on page 5 as new language on line 14 and 15 regarding travel trailers, recreational trailer, or trailers and semitrailers. **Ms. Erickson** related that the Department of Revenue had requested this particular amendment for the removal of the term recreational trailers, because that term did not exist anywhere in the Montana Code Annotated. She verbalized the Department's concern that putting new descriptions of trailers in statute could lead to taxation or definition problems.

Ms. Erickson identified the last amendment as appearing on page 12, in the codification instruction which told the Code Commissioner where the new language contained in section nine should be codified in the statutes. She reported the

codification instruction was for the language to appear in 61, Chapter 1, part 1 which was a series of definitions.

CHAIRMAN TVEIT asked for clarification on the first part of the amendment regarding "UP TO AND INCLUDING" and if the Bill actually intended to include one-half ton pickups? **Dave Galt** stated that before two years ago all vehicles less than one ton were on a staggered registration system and the system could only identify a registration to make sure it was staggered, by 10,000 pounds GVW. He stated that when the system had been changed to a power-based registration, there were a lot of pickup owners who were increasing their GVW above 10,000 pounds and it was kicking them out of the staggered registration system and into the normal January to December cycle. **Mr. Galt** rendered that the Bill was designed to make sure that all pickups stayed on a staggered registration system for the counties to be able to equalize their work load. He clarified that this Bill pertained only to the large trucks which were licensed in the county and those would be in a January to December licensing system.

SENATOR SWYSGOOD asked what would happen to those people with higher GVW's on their pickups, who were kicked into a January to December licensing system by the changes of two years ago? He queried as to whether he would still be on the January to December system or would the system change his licensing time again? He further questioned how long he would be able to run on his current plates? **Dave Galt** stated he did not know how to deal with that question. He identified their point of intent as trying to utilize the manufacturers rated capacity and state that anything licensed under that rated capacity would stay staggered. He said he was not sure if they would keep using the other system or just leave it alone. He said his guess was they would leave it alone.

SENATOR SWYSGOOD remarked that probably every pickup out there had been kicked off of the staggered system, with the exception of the few who did not pull trailers. He said he was not sure how many were left under the staggered system, except new ones. He commented that it probably did not matter when a person purchased their license.

CHAIRMAN TVEIT reminded the Committee that a motion on the amendments was actually needed for discussion.

Motion/Vote:

SENATOR SWYSGOOD'S MOTION TO MOVE AMENDMENTS SB004902.ace
CARRIED, WITH SENATOR STANG VOTING NO.

Motion/Vote :

SENATOR SWYSGOOD'S MOTION TO DO PASS SB 49 AS AMENDED CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 91Motion:

SENATOR COLE MOVED SB 91 DO PASS.

Discussion:

SENATOR JABS asked if these large, heavy trucks didn't really rip the highways up and did they have to give them permits? **Dave Galt** conceded that these trucks did cause damage to the highway. He explained that anytime the legal axle limits were exceeded, there was going to be increased pavement damage. He identified the whole concept of the weight increases they had made last year was based on recouping that damage. He explained SB 91 as offering some relief to people who moved a lot by offering the option of buying an annual permit and relieving some of the paperwork burden, while they were still paying for damage done.

SENATOR JABS asked if someone who used the permit a lot and did more damage should indeed pay more? **Dave Galt** responded that his statement was true and it was something everyone had to decide here, how they wanted to deal with that.

SENATOR JABS asked if there were quite a few who frequently would use these permits? **Dave Galt** stated that two years ago they had brought forth the idea for annual overweight permits which allowed issuance for vehicles up to 5,000 pounds excess axle weight. He reported that there had been quite a few of those issued and he recalled the primary users of those permits as vehicles for specific use. **Mr. Galt** explained that when the use of those permits was expanded there would be people having to decide whether or not paying for those permits was cost effective. He said he imagined some people in Montana who traveled a lot would find it cheaper to purchase that permit, but he could not say who those people were or how many there would be.

SENATOR MOHL asked if he got a term permit for a single tractor and trailer, as a commercial hauler, could he haul twenty loads across the state less? **Dave Galt** answered that if the weights were within the weights set forth in the annual permits, that are established in this Bill, that would be correct.

SENATOR MOHL questioned whether the permit went with the tractor and not toward the equipment? **Dave Galt** stated that was correct.

SENATOR JERGESON asked if these permits were required when the Defense Department moved heavy vehicles, missiles and other items, or were they exempt? **Dave Galt** replied that the Defense Department worked very closely with the Montana Department of Transportation when they moved. He explained that the equipment was analyzed very carefully before it was moved over the highways. He stated that they did get a permit, but there was no cost charged to the Defense Department, as government entities were issued a non-fee permit.

SENATOR STANG said it appeared that there were two parts to the Bill. He described one as authorizing the Department to contract with parties to issue permits and the other part to make some of these permits a year long entity. He asked if it was better to kill the Bill if they did not like the second part, or was it better to still keep the portion regarding authorization? **Dave Galt** replied that it would be better to segregate the portion regarding annual permits, if preferred, but they would like the authorization for issuance kept. He said the issuance portion would allow more work to be done by these contractual entities and would provide twenty-four hour, seven day a week service which he could not guarantee the trucking industry.

SENATOR STANG stated there seemed to be a lot of questions as to whether or not annual permits should be issued but he did not feel the user friendly portion of the Bill regarding contractual authorization should be lost. He queried as to the number of Committee Members who were worried about the permit portion and suggested there may be need to center discussion on preparation of an amendment, so as to allow passage of the first portion of the Bill.

SENATOR SWYSGOOD attested that the Bill was before the Committee because the fees had been increased astronomically last session and the repercussions had been great. He explained that the increases had all been a part of a necessity to have everyone bear their fair cost of highway damage. He stated that the irony was that these fees did not go to the Montana Department of Transportation, but to the Justice Department. **SENATOR SWYSGOOD** said he asked the question as whether use of these permits would be abused and maintained that potential as likely there. He attested that he thought that every time a local contractor had to get a single trip permit to move these types of loads it was most often for a short trip and therefore did not believe very much abuse was contained in the Bill. He accounted that even if there were abuses, fees were much higher than previously. He said there were things in the Bill which made him uneasy but he felt it should be supported, tried and encourage the Department to rectify anything which wasn't working.

CHAIRMAN TVEIT asked if they had to pay the \$500 for a term permit even if they were only going to move once? **Mr. Galt** explained that as an option, the carrier would have to look at, as he could still buy trip permits, if it better suited his needs.

SENATOR MOHL said he agreed with **SENATOR SWYSGOOD'S** statement, as he moved equipment with two lowboys all of the time, and still didn't feel he would use the term permit. He based his statement on the fact that they traveled a small area, wrote their own permits and it would cost more money.

SENATOR NELSON asked if this would pertain to the Canadian traffic coming across the border? **Dave Galt** answered that Canadians doing business here would only have to buy an over-weight permit for operation between the Border and Shelby. He cited that as based on the agreement Governor Stephens signed with the Province of Alberta which allowed foreign operation at weights higher than U.S. weights.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION THAT SB 91 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 86

Motion:

SENATOR HOLDEN MOVE SB 86 DO PASS.

Discussion:

SENATOR STANG stated that even though testimony was based on the fact that six or eight people wanted the ability to make the electronic transfers, he did not like the idea of making it mandatory. He stated that the Department of Revenue had some bills dealing with the same thing in regard to withholding taxes and philosophically it seemed as though 'Big Bother' was being let into our checking account. He commented that it bothered him to make this mandatory, because pretty soon those under \$500,000 could be forced to comply also. He attested that he was going to oppose the Bill on that philosophy.

SENATOR JABS said he thought testimony had been that the State couldn't enter your checking account and questioned how they could accomplish this? **SENATOR STANG** stated that he had interpreted as anyone who did over \$500,000 in business would be forced to sign an agreement with the State which allowed the State to make the electronic transfer. He continued that he did not like the idea of forcing them to do this, if you were allowed to do this it would be different. He stated that all of the parties had not been heard from, as to whether they wanted to do this or not. He maintained that this could cause these parties

to change the way they do business, as the different time element could affect their cash flow.

SENATOR JERGESON stated that he disagreed with **SENATOR STANG** on the basis that the date the money was to be remitted, it was not their property anymore. He articulated that it was the property of the taxpayers of Montana and they were the ones who should be getting the float on the money. He maintained that there were a number of cases where, when banks were serving as clearing houses for collections, electronic transfers were being required.

SENATOR SWYSGOOD said it had to be remembered that the distributor, or whomever, had received the advantage of the interest from that money up until the time the tax was due.

CHAIRMAN TVEIT reminded them that the Bill was mandatory, but they had the ability to make it voluntary.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION THAT SB 86 DO PASS FAILED ON A FIVE TO FOUR VOTE. ROLL CALL VOTE NUMBER 2 SHOWED SENATORS HOLDEN, COLE, MOHL AND JERGESON VOTING YES AND SENATORS TVEIT, SWYSGOOD, NELSON, STANG AND JABS VOTING NO.

Motion/Vote:

SENATOR SWYSGOOD MOVED TO TABLE SB 86 AND THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 96

Discussion:

CHAIRMAN TVEIT asked if executive action on SB 96 needed held for the other related bills which were to arrive in Committee? **Tom Barnard** stated that there were four bills, SB 96, HB 249, HB 254 and another Senate Bill Senator Nelson would be carrying, all dealing with these specific laws related to the speed zone language.

SENATOR NELSON commented that her bill was very simple.

CHAIRMAN TVEIT asked the status of the House Bills and if they were moving along? **Tom Barnard** stated that one of the House Bills was in local government and would be heard that day and the other was scheduled to be heard Thursday or Friday.

CHAIRMAN TVEIT asked the Committee's pleasure for acting on or holding SB 96?

SENATOR JERGESON stated that the timing did not matter to him, but asked if the little box and cord running across the highway was the method used in doing these traffic speed surveys? He queried if that apparatus only determined traffic count or did it also determine speed? **Tom Barnard** replied that the little line only counted numbers of vehicles and had nothing to do with speed zone studies.

SENATOR JERGESON asked how the Department did their survey on speed? **Tom Barnard** related that there was new equipment which could be used, but for a majority of the time they actually had someone out there who recorded the actual radar speed of the vehicles.

SENATOR JERGESON asked if anyone knew what day these recorded speeds were going to be done? **Tom Barnard** replied that they made a specific effort to try ensuring that no one did know. He stated that an awareness could affect the results.

SENATOR SWYSGOOD stated that he was not in favor of holding SB 96 until the other bills arrived and stated that each bill should stand or die on their own merit.

Motion:

SENATOR MOHL MOVED TO AMEND SB 96 AS STATED IN EXHIBIT #7.

Discussion:

SENATOR MOHL explained the amendment as requiring the Department to make a traffic study, if a city, county, school district or like entity requested, and the results would be proposed to the requestor. He stated that if the requestor was not happy with the study results they could then hire a qualified, professional, private entity to make another study and those results would have to be accepted by the Department. He stated that the Department would also be required to pay the bill for the private study. He clarified the results of the private study as the determining decision on what the speed limit would be. **SENATOR MOHL** said that if you currently let just anyone determine a speed limit, the Department of Transportation was liable for lawsuits if the law suit was there. He attested that the amendment would remove the problem from the courts and eliminate the ability of just anyone declaring an area as a specific speed zone.

SENATOR COLE referred to the portion of the amendment which would establish that an independent study could be conducted by a qualified engineering firm acceptable to the requesting local

authority and queried as to inclusion of the Department? **SENATOR MOHL** responded that the Department was included.

SENATOR COLE asked what would happen if they did not agree? **SENATOR MOHL** rendered that as a good question and suggested changing the amendment to pertain to their being qualified.

SENATOR COLE inquired who would ascertain their being qualified? **SENATOR MOHL** answered that they would have to be qualified, because their name would be appearing on the final results and they would be subject to a lawsuit if they couldn't back up their documentation. He likened the qualification to that of a qualified land surveyor or appraiser.

SENATOR SWYSGOOD attested that he had a problem with the amendment, which went back to the residents of Neihart who had asked the Department to do their study and the results were that the speed limit was raised. He accounted that the result had been the exact opposite of what the residents had anticipated and maintained that in all probability this would reoccur because of the manner in which statute required the study to be conducted. He contended that the local authority would have to extend monies to hire a qualified party to make another study which could arrive at the same determination to raise the speed limit.

SENATOR SWYSGOOD interpreted the scenario as having created a financial burden on the public, while still not rectifying the situation and left the situation arbitrary as to who is qualified to accomplish the task. He maintained that this left a lot of unanswered questions but accounted the larger problem as whether or not the community had an opportunity to express their displeasure with the study results? He asked if the residents had received notification of the pending increase and allowed comment, or had the speed limit just been raised? **Tom Barnard** stated that whenever local government agencies requested a speed zone study the Department always presented them with a slide presentation explaining the speed zone establishment principals. He said it always was explained that it must be recognized that the speed zone could go up or down and the parties were asked if they still wanted the Department to conduct the study. He contended that the Mayor of Neihart had been clearly informed that the speed zone could be raised because all of the Department's information indicated that this was an unrealistic speed zone being requested. He narrated that 90% of the 170,000 people who drive through Neihart stated that the speed zone was unrealistic.

SENATOR SWYSGOOD asked if the Department had automatically raised the speed zone to 45 mph once the study was taken and it revealed a warranted increase, or did they return to the town and disclose the results of the study? **Tom Barnard** identified the first thing always done following completion of a study as writing of the Departments recommendations and sending them to the requesting party with an inquiry as to how the party thought. He stated that if the party disagreed, the Department took their study and

the other party's comments to the Montana Highway Commission for the ultimate decision. He testified that the parties were always asked for a response to the study. He contended that even though the speed zone had been raised when Neihart had requested the recent study, in 1993 the same law had allowed them to reduce a speed zone by 20% in the area of their senior citizens center.

SENATOR SWYSGOOD stated that while the Bill was brought forth to address one particular situation, he felt it had ramifications far beyond the town of Neihart. He articulated this as the main concern he had with the Bill. He asked if he understood correctly that the town of Neihart had a 45 mph speed limit and a 20% reduction by the senior citizens center? **Tom Barnard** affirmed that he was correct.

SENATOR SWYSGOOD queried as to whether the 20% reduction was a 35 mph speed zone at the senior citizens center? **Tom Barnard** responded yes.

SENATOR SWYSGOOD asked if you entered Neihart from a 55 mph road into a 45 mph speed limit? **Tom Barnard** again affirmed yes.

SENATOR SWYSGOOD questioned how far into the 45 mph zone you were when the 35 mph zone took affect? **Tom Barnard** showed a large aerial photograph of how the Neihart speed zones were laid out.

SENATOR SWYSGOOD commented that the described layout of Neihart was beginning to remind him of a small town in his District where people lived right on the highway's edge. He compared the speed zones in both towns and related that he had observed that people didn't necessarily slow to the prescribed 45 mph speed zone requirement in the town in his district. He reiterated the implications of the Bill, as it related to the small town in his District as well as similar others in Committee Member's Districts. He reasked the distance involved between the 45 mph and 35 mph zone? **Tom Barnard** explained that when a speed had to be reduced from 55 mph to less than 45 mph there had to be steps to allow the room to accomplish it. He said the intent was to facilitate the feat without applying the brakes, but by removing the drivers foot from the gas pedal the natural deceleration of the vehicle will get you to the prescribed speed. He reviewed the aerial map description and described the distance from the 55 mph to 35 mph zone as approximately 800 to 1,000 feet. He explained the next zone a rising to 45 mph until you were beyond the developed area and then again rising to 55 mph. He depicted the map as showing the existing speed zones and the accidents which had occurred through the area.

SENATOR STANG stated that with viewing the map, the speed zone did not seem that unreasonable. He remarked that he had lived in a town which had an interstate running through it and even though the speed limit was 35 mph, no one ever went slower than 55 mph. He contended that it didn't matter how many signs were posted, it was the enforcement that made the difference. He reported having

a town in his District which had a 25 mph speed limit and if you weren't in compliance, you were going to get a ticket. He further related his District as having another small town with a 35 mph speed limit which was never enforced and the resulting factor was that no one slowed down in that town. He identified a third town in his District as apparently having had one of these studies done, because even though houses were right along the road their speed limit had gone from 40 mph to 50 mph. **SENATOR STANG** expressed compassion for the people of Neihart, but stated that he did not feel it mattered what the speed limit was set for if the enforcement problem wasn't dealt with. He thought that the people of Neihart should be approaching their County Officials or Montana Highway Patrol for personnel to enforce the laws, rather than coming to Legislature for a solution.

SENATOR MOHL reported that he had proposed the amendment because of the history of complaints and large potential for more to come when local people were not satisfied with the results of these studies. He professed that he had been trying to present an amendment which would develop one set method for eliminating future problems.

SENATOR JABS remarked that he did not like the phrase of the amendment which made the study result binding. He asked if the statute required an increased speed zone if the study result indicated a higher speed or could the Department have left the speed zone as it was? **Tom Barnard** rendered the law as stating that speed zones had to be established, based on a traffic and engineering investigation. He answered that he did not think the law specifically stated that the speed zone had to be raised just because the study said it should be raised. He stated that the type of process they used was developed and based on years of history which said that the safest speed zone was based on a general 85th percentile combined with other factors and was accepted by all fifty states and many enforcement agencies. He defined the studies as public record which resulted in showing that the existing speed zone was too low and history showed that low speed zones caused as many accidents as high ones. He explained that the completed study would result in documentation in your file which stated that this was an unrealistically low speed limit which causes accidents. He proclaimed that if nothing was done to correct the situation the question would not be whether you were going to pay, but how much you would pay. He pronounced that his explanation described the problem which existed.

SENATOR NELSON said she had to look at the amendment as passing the buck to another engineering firm, with the cost going to the Department of Transportation to do the very same thing. She attested to not agreeing with that method and expressed it as redundant and unnecessary.

THE QUESTION WAS CALLED FOR ON THE MOHL AMENDMENT.

Connie Erickson asked for the opportunity to explain the amendment prior to the vote and explained that the amendment not only changed the part of the Bill regarding the engineering studies, but also affected page 2, line 8 where the Bill defined the area around a school or senior citizens center as 2,000 feet. She said the amendment before them struck the 2,000 feet language and the 70% and would revert the Bill language back to where current law was. She said it only made a change in new language on page 1, regarding the investigation and the study.

Motion:

SENATOR SWYSGOOD MOVED TO SEGREGATE AND VOTE ON AMENDMENT ONE BY ITSELF, THEN VOTE ON THE LAST THREE TOGETHER.

Discussion:

SENATOR SWYSGOOD reasoned that some of the Committee may have trouble with number one, but may like to see the other part of the Bill amended, if it had the ability of getting out of Committee.

Vote:

ROLL CALL VOTE #3 SHOWED THE MOTION ON AMENDMENT NUMBER ONE AS FAILING WITH THREE SENATORS VOTING YES AND SIX VOTING NO. SENATORS HOLDEN, STANG AND MOHL VOTED YES AND SENATORS TVEIT, SWYSGOOD, NELSON, COLE, JERGESON AND JABS VOTED NO.

Discussion:

SENATOR STANG asked to clarify whether the second portion of the amendments brought the Bill language back to current law? **Connie Erickson** answered yes, except number three placed an immediate effective date on it.

THE QUESTION WAS CALLED FOR.

Vote:

THE MOTION ON AMENDMENTS NUMBERED 2, 3 AND 4 CARRIED, WITH SENATORS MOHL AND JERGESON VOTING NO.

Discussion:

SENATOR SWYSGOOD asked for clarification of what condition the Bill was in. **Connie Erickson** said that currently all that was left were the changes in section one.

SENATOR HOLDEN stated that all they had to speak to was the letter (b).

SENATOR STANG said he would argue against the Bill, because he thought it would be setting more precedent which maybe should not have been sent last session. He said he thought that it had accomplished the determination that what **SENATOR FOSTER** needed to do was let his town's people know that he had tried to help them, but the Legislature had said that this wasn't the place to get it done. He asked if anyone else wished to speak on the Bill before he made a motion.

Motion/Vote:

SENATOR STANG'S MOTION TO TABLE SB 96 CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: The meeting was adjourned at 2:56 p.m.



SENATOR LARRY TVEIT, Chairman



CARLA TURK, Secretary

LJT/cmt

DATE 1-24-95


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 24, 1995

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration SB 91 (first reading copy -- white), respectfully report that SB 91 do pass.

Signed: Sen. Tveit
Senator Larry Tveit, Chair

 Amd. Coord.
Sec. of Senate

211559SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 24, 1995

MR. PRESIDENT:


We, your committee on Highways and Transportation having had under consideration SB 49 (first reading copy -- white), respectfully report that SB 49 be amended as follows and as so amended do pass.

Signed: Sen Tveit
Senator Larry Tveit, Chair

That such amendments read:

1. Title, line 8.
Strike: "EXCEEDING"
Insert: "UP TO AND INCLUDING"
2. Title, lines 9 through 10.
Strike: "ELIMINATING" on line 9 through "POUNDS;" on line 10
3. Title, lines 14 and 15.
Following: "BUSES;" on line 14
Strike: "REVISING" on line 14 through "VEHICLES;" on line 15
4. Title, line 17.
Strike: "61-10-206,"
5. Page 5, line 14.
Strike: ", recreational trailers,"
6. Page 10, line 18 through page 11, line 4.
Strike: section 7 in its entirety
Renumber: subsequent sections
7. Page 12, line 9.
Strike: "9"
Insert: "8"
8. Page 12, line 10.
Following: "part"
Strike: "1"
Insert: "5"
Strike: "9"
Insert: "8"

-END-



Amd. Coord.
Sec. of Senate

211705SC.SRF

SEN:1995
wp:rlclvote.man
CS-11

MONTANA SENATE
1995 LEGISLATURE
HIGHWAYS AND TRANSPORTATION COMMITTEE
ROLL CALL VOTE

DATE 1/21 BILL NO. SB 86 NUMBER 2

MOTION: Senator Holden Moved
SB 86 Do Pass

NAME	AYE	NO
LARRY TVEIT, CHAIRMAN		X
CHUCK SWYSGOOD, VICE CHAIRMAN		X
RIC HOLDEN	X	
LINDA NELSON		X
MACK COLE	X	
BARRY "SPOOK" STANG		X
ARNIE MOHL	X	
GREG JERGESON	X	
REINY JABS		X

DATE 1/24/95 BILL NO. 5B 96 NUMBER Roll 3
MOTION: Mo. Ad. Amend # 1

SEN:1995
wp:rlclvote.man
CS-11

January 24, 1995

Senate Bill 86

SUBMITTED BY: WILLIAM SALISBURY, ADMINISTRATOR
ADMINISTRATION DIVISION
MONTANA DEPARTMENT OF TRANSPORTATION

"AN ACT REQUIRING TAXES PAYABLE IN THE AMOUNT OF \$500,000 OR GREATER BE PAID BY ELECTRONIC FUNDS AND AUTHORIZING CERTAIN INFORMATION BE PROVIDED IN ELECTRONIC FORMAT."

This bill requires taxpayers to electronically transmit payments of \$500,000 or greater to the Montana Department of Transportation. This bill will also allow industry the capability to report motor fuels tax use and movement by magnetic media versus paper transactions.

The Montana Department of Transportation appears before this committee to offer our support for SB 86.

The ability to require payments of \$500,000 or more to be transmitted electronically will eliminate delays, sometimes up to 14 days, due to post office, banking, and mail room procedures. Electronic transfers guarantee deposits that same day, resulting in up to two weeks of earned interest otherwise lost in delivery.

SB 86 would also allow the Montana Department of Transportation the capability to accept from industry the report of motor fuel use and movement through magnetic media if the taxpayer so chooses.

Passage of this bill will result in approximately \$111,000 additional earned interest to the General Fund.

The Montana Department of Transportation urges this committee to give this proposal a pass recommendation.

SENATE HIGHWAYS
EXHIBIT NO. 2
DATE 1/24
BILL NO. SB 91

BILL NUMBER: SB 111

SPONSOR: SENATOR COLE

TESTIMONY BY: DAVID A GALT, ADMINISTRATOR

MOTOR CARRIER SERVICES DIVISION

DATE: 1/24/95

MR CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS DAVE GALT AND I AM THE ADMINISTRATOR OF THE MOTOR CARRIER SERVICES DIVISION. SENATOR COLE INTRODUCED THIS BILL AT THE REQUEST OF THE DEPARTMENT OF TRANSPORTATION AND I URGE YOUR SUPPORT.

IN THE 1993 SESSION THE LEGISLATURE RAISED THE COST OF PERMITS ISSUED TO MOVE OVERWEIGHT LOADS. THIS INCREASE WAS BASED UPON A STUDY BY MSU ON THE DAMAGE DONE TO THE HIGHWAYS FROM HEAVY LOADS. THIS STUDY WAS SUGGESTED BY THE LEGISLATIVE AUDITOR WITH THE PURPOSE OF HAVING A FEE THAT RECOVERED THE COST OF THE DAMAGE TO THE HIGHWAY SYSTEM. THIS NEW FEE STRUCTURE IS MORE COMPLICATED THAN OUR OLD SYSTEM AND HAS RESULTED IN AN INCREASED WORK LOAD IN OUR PERMIT OFFICE. *No Increase in fee but reduced service by long wait times* IN AN EFFORT TO IMPROVE PERMIT SERVICE TO THE TRUCKING INDUSTRY WE BRING THIS PROPOSAL BEFORE YOU. THIS BILL WILL ALLOW THE DEPARTMENT TO ESTABLISH AGENTS TO ISSUE OVERSIZE PERMITS. WE CURRENTLY ALLOW AGENTS TO ISSUE PERMITS BUT ONLY FOR REGISTRATION AND FUEL. MCS WILL CONTINUE TO ISSUE PERMITS, BUT WE THINK THAT PRIVATE INDUSTRY MAY BE ABLE TO PROVIDE 24 HOUR- SEVEN DAY A WEEK COVERAGE - SOMETHING THAT WE HAVE TROUBLE PROVIDING WITHOUT SEVERAL ADDITIONAL FTE.

SECONDLY THIS BILL PROVIDES FOR ADDITIONAL ANNUAL OVERWEIGHT PERMITS. CARRIERS WHO HAVE EQUIPMENT THAT NEEDS OVERWEIGHT PERMITS MAY OPT TO PURCHASE THEM ON AN ANNUAL BASIS AND AVOID THE TIME AND ENERGY IT TAKES TO SECURE A PERMIT FOR EVERY TRIP. IN SETTING THE FEES FOR THESE PERMITS WE TRIED TO SET A FEE THAT DOES NOT COMPROMISE OUR EXISTING SYSTEM THAT CHARGES FOR THE DAMAGE DONE TO THE HIGHWAYS, YET A FEE THAT IS CHEAP ENOUGH TO BE OF BENEFIT TO THE INDUSTRY.

AGAIN THE INTENT OF THIS BILL IS TO PROVIDE INDUSTRY WITH ADDITIONAL PERMIT OPTIONS WHEN THE NEED TO MOVE OVERWEIGHT LOADS ARISES. WE URGE YOUR SUPPORT FOR THIS BILL.

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

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 affect 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.

Amendments to Senate Bill No. 43
First Reading Copy

SENATE HIGHWAYS

EMEND NO. 4

DATE 1/24

BILL NO. SB 43

Requested by Senator Mohl
For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson
January 18, 1995

1. Title, line 6.

Following: "EASEMENT"

Insert: "OR A RIGHT-OF-WAY EASEMENT"

2. Page 1, line 20.

Following: "part 2"

Insert: ", or a right-of-way easement as provided in Title 70,
chapter 17, part 1"

Amendments to Senate Bill No. 49
First Reading CopyRequested by Senator Swysgood
For the Senate Committee on Highways and TransportationPrepared by Connie Erickson
January 11, 1995

1. Title, lines 14 and 15.
Following: "BUSES;" on line 14
Strike: "REVISING" on line 14 through "VEHICLES;" on line 15
2. Title, line 17.
Strike: "61-10-206,"
3. Page 10, line 18 through page 11, line 4.
Strike: section 7 in its entirety
Renumber: subsequent sections
4. Page 12, line 9.
Strike: "9"
Insert: "8"
5. Page 12, line 10.
Strike: "9"
Insert: "8"

Amendments to Senate Bill No. 49
First Reading Copy

DATE 1/24

BILL NO. SB 49

Requested by Senator Swysgood
For the Senate Committee on Highways and Transportation

Prepared by Connie Erickson
January 18, 1995

1. Title, line 8.

Strike: "EXCEEDING"

Insert: "UP TO AND INCLUDING"

2. Title, lines 9 through 10.

Strike: "ELIMINATING" on line 9 through "POUNDS;" on line 10

3. Page 5, line 14.

Strike: ", recreational trailers,"

4. Page 12, line 10.

Following: "part"

Strike: "1"

Insert: "5"

1. Page 1, line 18 through line 21.
Strike: Subsection (b) in its entirety.
Insert: "(b) If a local authority has requested the department to conduct an engineering and traffic investigation as provided for in (1)(a) and the local authority does not agree with the department's conclusions, the local authority may, within 60 days, request that an independent study be conducted by a qualified engineering firm acceptable to the requesting local authority and the department and paid by the department. No change in speed limits will be made until all studies are complete. The results of the independent study shall be binding on the department and the local authority."
2. Page 2, line 8.
Strike: "within 2,000 feet of"
3. Page 2, line 10.
Strike: "70%"
Insert: "80%"
4. Page 2, line 25 and line 26.
Strike: Section 3 in its entirety.
Insert: NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

DATE 1-24-95

SENATE COMMITTEE ON Highways

BILLS BEING HEARD TODAY: SB 86 - 91 - 48

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
John Campbell	Public	48		
DAVID GALT		SB 91	✓	
Curt Rissmann	MHP	HB 48	✓	
Craig Reay	"	HB 48	✓	
St Barry	MHP	HB 48	✓	
Ben Haddad	MT Motor Carriers	HB 48 SB 91	✓ ✓	
Dan Brown	MD House	HB 48		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY