

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### SUBCOMMITTEE OF HIGHWAYS & TRANSPORTATION

**Call to Order:** By **CHAIRMAN RIC HOLDEN**, on January 24, 1997, at  
5:00 pm, in ROOM 410

#### ROLL CALL

**Members Present:**

Sen. Ric Holden, Chairman (R)  
Sen. Bob DePratu (R)  
Sen. Greg Jergeson (D)

**Members Excused:** NONE

**Members Absent:** NONE

**Staff Present:** Connie Erickson, Legislative Services Division  
Phoebe Kenny, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: None  
Executive Action: SB 85

#### EXECUTIVE ACTION ON SB 85

**Discussion:**

**CHAIRMAN RIC HOLDEN**, the amendments dated January 15, that you handed out to us in committee, are those the same amendments here that are dated January 21?

**Beth Baker, MT Department of Justice**, there have been a few added to them. Amendments number 5 and 7 make sure that tinting is only prohibited if it obscures the lamp or reduces the visibility distance. Amendment number 11 has some exemptions for the width restrictions to cover **SENATOR REINY JABS'S** concerns. The only other new ones would be amendment 12 and 8 go together because we had agreed at the request of the automobile manufacturers to strike incandescent from the license plate. We want to make it clear that we still want to prohibit decorative lighting around the license plates. Amendment number 16 addresses **SENATOR LARRY BAER'S** concerns about the crack in the windshield.

CHAIRMAN HOLDEN, lets go through my amendments first and then we will visit some of the others as we move along.

Motion: CHAIRMAN HOLDEN MOVED TO ADOPT AMENDMENT 4 (EXHIBIT 1).

Discussion: SENATOR BOB DEPRATU, I agree with the amendment, I believe this could even effect the state snow plows.

SENATOR JERGESON, this is talking about auxiliary lamps, I wouldn't be surprised that snowplows would have their auxiliary lamps wired independently of their other lighting circuits. This is talking about people with the fancy lights on top that are wired into the same circuit as their headlights, and can blind someone coming toward you.

Vote: THE MOTION PASSED WITH SENATOR JERGESON VOTED NO.

Motion: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 5 (EXHIBIT 1)

Vote: THE MOTION CARRIED UNANIMOUSLY.

Motion: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 6 (EXHIBIT 1)

Discussion:

CHAIRMAN HOLDEN, I believe that if we pass a law that says windshields need to be replaced because of a crack in them that we will get a lot of static. It's hard to clarify when a crack starts to impede the vision of the driver. I don't think it has anything to do with the ability to drive the vehicle.

SENATOR JERGESON, I oppose this amendment. The department has offered to change the language so that it relates to materially obstructing the view. I believe this is a matter of safety.

SENATOR DEPRATU, I have seen some that are dangerous. I would be opposed to the way it reads as a crack within.

Vote: THE MOTION TO ACCEPT AMENDMENT NUMBER 6 CARRIED WITH SENATOR JERGESON VOTING NO.

Motion: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 7 (EXHIBIT 1)

Discussion: CHAIRMAN HOLDEN, this section describes the kind of tires that will be used on the highways on Montana. I don't think our constituents want more and more regulations. I don't think tires have been a big safety concern.

SENATOR JERGESON, I think this is fundamental in regards to safety. It does not create a burden not attainable by the public.

SENATOR DEPRATU, I feel that if they are cut or worn they can be dangerous. I don't read it as a reason for a highway stop, but if it is a danger I think it should be pulled.

Vote: THE MOTION FAILED. SENATOR DEPRATU AND JERGESON VOTED NO.

{Tape: 1; Side: 2}

CHAIRMAN HOLDEN, withdrew amendment 8 and 9.

Motion: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 10 (EXHIBIT ONE)

Discussion: Beth Baker, I feel that there is obvious problems with gravel flying out of the back of a vehicle. I think the bill is clear, that the bill does not require a covering but simply that the vehicle not be overloaded so that things are falling off and creating hazards to other drivers. I think that the Montana Contractors amendment makes it clear that a cover is not required but if a cover is used it must be securely fastened.

SENATOR DEPRATU, if you are moving dirt or sand without a cover, some does blow out, but I don't think that it causes a hazard. The trucks were not overloaded. How would this affect that?

Colonel Craig Reap, MT Highway Patrol, for enforcement purposes unless that dirt was coming out in chunks or a size that was big enough to cause a problem, I don't think an officer would be concerned to the point that he felt he should take enforcement action.

CHAIRMAN HOLDEN, currently what do your officers do if they see a truck that gravel is blowing off.

Colonel Reap, they will stop the truck and let them know that it is causing a hazardous situation. There is no citations in current law that we can give.

SENATOR JERGESON, I would go along with the Contractors amendments but I am hesitant about taking this section out.

Connie Erickson, amendment number 10 also includes section 44.

CHAIRMAN HOLDEN, the motion should just include section 43.

Vote: THE AMENDMENT PASSED WITH SENATOR JERGESON VOTING NO.

Discussion:

Beth Baker, we don't have laws on the books now that tell us we have to have bumpers. Our amendments to address the concerns that were raised to exempt farm tractors from the bumpers and also to make it clear that it only applies to vehicles registered in Montana. It also exempts from the rear bumper requirement utility vehicles equipped with work performing features that make installations impractical or unnecessary.

Motion: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 11 (EXHIBIT 1)

Discussion:

SENATOR JERGESON, I will vote no on the amendment. I think bringing fines up to date with the current economy makes sense. These are safety issues that we are talking about, they are not meant to harass people.

CHAIRMAN HOLDEN, what would be the fine for someone not having their mud flaps on.

Colonel Reap, around \$60.

CHAIRMAN HOLDEN, what sort of infractions would a motorist have to be doing to get a \$50 to \$100 fine?

Colonel Reap, that would depend on the judge.

Vote: THE AMENDMENT CARRIED WITH SENATOR JERGESON VOTING NO.

Motion: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 8 (EXHIBIT 2)

Vote: THE AMENDMENT CARRIED UNANIMOUSLY.

Motion: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 9 (EXHIBIT 2)

Discussion:

Beth Baker, for clarification, we increased these distance requirements simply because a lot of them were passed in the fifties when the vehicles lights were dimmer and traffic moved slower. We are simply updating this section.

SENATOR JERGESON, this section does not tell you to illuminate 1,000 feet, it tells you that when you can not see persons or vehicles at 1,000 feet you should turn your lights on.

Vote: THE MOTION PASSED WITH SENATOR JERGESON VOTING NO.

Motion/Vote: CHAIRMAN HOLDEN MOVED AMENDMENT NUMBER 10 (EXHIBIT 2) MOTION CARRIED WITH SENATOR JERGESON VOTING NO.

Motion/Vote: CHAIRMAN HOLDEN MOVE AMENDMENT NUMBER 11 (EXHIBIT 2) THE MOTION PASSED WITH SENATOR JERGESON VOTING NO.

Motion: SENATOR JERGESON MOVED THE DEPARTMENT OF JUSTICE AMENDMENTS. (EXHIBIT 3)

Discussion:

SENATOR JERGESON, these amendments were all drafted to take care of concerns that were brought up at the hearing.

Vote: THE MOTION PASSED UNANIMOUSLY.

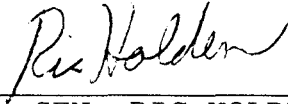
Motion: CHAIRMAN HOLDEN MOVED THAT FOLLOWING THE WORD PULL TRAILER ON PAGE 25, LINE 19, WE INSERT EXCEPT FARM TRACTORS, FARM EQUIPMENT AND IMPLEMENTS OF HUSBANDRY TOWED BY TRACTORS.

Vote: THE MOTION PASSED. SENATOR JERGESON VOTED NO.

Motion/Vote: SENATOR JERGESON MOVED SB 85 DO PASS AS AMENDED. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 7:00 pm



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SEN. RIC HOLDEN, Chairman



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PHOEBE KENNY, Secretary

RH/PH