

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on February 6, 1997, at
3:05 pm, in ROOM 410

ROLL CALL

Members Present:

Sen. Arnie A. Mohl, Chairman (R)
Sen. Larry Baer (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused:

Sen. Mack Cole, Vice Chairman (R)
Sen. Bob DePratu (R)
Sen. John R. Hertel (R)

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: HB 97, Posted 1-27-97;
SB 204, Posted 1-23-97
Executive Action: SB 204

{Tape: 1; Side: A}

HEARING ON HB 97

Sponsor: REPRESENTATIVE CHARLES DEVANEY, HD 97, Plentywood

Proponents:

Dave Galt, Montana Department of Transportation
Ben Havdahl, Montana Motor Carriers

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE CHARLES DEVANEY, HD 97, Plentywood, the bill is aimed at closing a loophole in Montana's length statute. This bill if passed will require that vehicles with two twenty-eight and half foot trailers, have the same length restrictions as all other vehicle combinations in Montana. At present time an opportunity exists where these vehicles are not subject to the overall length. Operating vehicles at unlimited lengths on Montana's two lane roads presents a safety hazard that must be addressed. I would remind you one more time that this only involves two 28 and half foot trailers. I urge your support for the bill.

Proponents' Testimony:

Dave Galt, Department of Transportation, MCN is responsible for licensing, permitting and enforcing truck regulations in Montana. A loop hole exists in Montana's length law that applies only to vehicles pulling trailers that are twenty-eight ½ foot or less. These truck combinations are not subject to an overall length permit. The reason for this is that the federal government wanted to allow vehicles pulling two twenty-eight ½ foot trailers to be a national standard. In 1982 federal law was passed that said that no state can limit the overall length of a vehicle combination if neither of the trailers exceeded 28 1/2 feet in length. The purpose was to introduce this vehicle in the same states whose length limits prohibited their operation. We had no problem with that length in Montana and the federal rule did not cause a problem at first. Lately we have been seeing some operators put long connecting devices between these short trailers so they can carry more weight. In one instance we had a truck with two trailers, operating on two lane highways at 114 feet long, nearly 14 feet longer than a ordinary set of doubles trailers. Current law limits length to 75 feet. With a permit doubles can operate at 95 feet. Understanding that we can not limit the overall length of two 28 ½ foot trailers, I am asking you to allow us to limit the overall trailer length of these vehicles effectively doing the same thing. If this bill passes a truck with two 28 ½ foot or less trailers will be able to have 61 feet of combined trailer length. This limit allows for a four foot connecting device between the trailers which is standard for the operations legitimately using this kind of trailer configuration. A sixty one foot combined length limit is also consistent with the State of Idaho, Utah and Washington. Other western states like Montana have not implemented a remedy to solve this length problem. If a truck trailer can not operate with a sixty-one foot length limit then we simply issue an over length permit and restrict these trailers to exactly the same length standards of all other trailers. There is no need for two 28 ½ trailers operating in Montana on two lane highways at lengths over 100 feet. I urge your support of this bill.

Ben Havdahl, MT Motor Carriers, We support this bill. Simply what this bill does is preclude these trailers from getting longer than 61 feet. If you want to get longer, you buy an over length permit. Hand out, (EXHIBIT 1).

Opponents' Testimony:None

Questions From Committee Members and Responses:

SENATOR REINY JABS, this is a fifth wheeler, is it considered a trailer.

Dave Galt, It is a semi trailer and the law right now says semi trailer, trailer, so it would still fall into this definition of exempt length limits.

SENATOR JABS, are logger trucks required to fall into this definition?

Dave Galt, they don't come under the definition because the trailer on a log trailer is specifically defined in state statutes as a pull trailer.

SENATOR ARNIE MOHL, what about belly dumps?

David Galt, if you have a belly dump trailer and hooked it together with 20 feet of steel between the two trailers there would be no overall length limit. Most of the belly dump operations that I am familiar with, the trailers are longer than 28 1/2 feet. This only applies to trailers that are 28 1/2 feet long. If they are longer than 61 feet of trailer combinations you are under an entirely different set of length rules.

Closing by Sponsor:

REPRESENTATIVE DEVANEY, at the House hearing, the logging industry was represented and did support the bill. Basically, what we have is some innovative Montanans that found a hole in the law. It is time to put this back on the same level as the rest of the truckers in the state. I would appreciate it if you would concur on this.

{Tape: 1; Side: A; Approx. Time Count: 13 MINUTES}

HEARING ON SB 204

Sponsor: SENATOR LINDA NELSON, SD 29, Medicine Lake

Proponents:

Anita Drews, Department of Motor Vehicles
Brenda Nordland, Department of Justice
Mike Mathew, Montana Association of Counties
Ben Havdahl, Montana Motor Carriers

Opponents: None

Opening Statement by Sponsor:

SENATOR LINDA NELSON, SD 29, Medicine Lake, I am carrying this for the Montana Association of Counties and in particular for Daniels County. I am going to pass out some amendments because I am going to talk about the bill as if these were on it. (**EXHIBIT 2**). Senate Bill 204 would require the Department of Motor Vehicles to provide CDL testing in the counties that have drivers exams. Currently the CDL exams are only offered in select locations across the state. In my area they have to go to Sidney, a two hundred mile round trip. This often means that a CDL licensed county employee or a school bus driver has to escort the perspective employee, take the commercial vehicle, and then spend the day. Salary as well as time is lost, and if the person happens to fail the test, they have to do it all over again. I worked with the Department of Motor Vehicles on this bill and we have agreed that with this amendment, an appointment is scheduled and the exams will be provided in the county. The examiner will come prepared to do the testing. As amended the fiscal note will be zeroed out. The amendment also moves this to be effective July 1, because they would like to get this started.

Proponents' Testimony:

Mike Matthew, MACo, what I am passing out is a resolution on this. (**EXHIBIT 3**) It does have some of the language in relationship to the specific problem with the bill. The one thing I do really want you to note on this, is this is an issue that came up at one of our district meetings that we hold around the state. The commissioners from Daniels county reiterated the problem that they have with taking one of their operators and one of their pieces of equipment out of the county for this trip. This resolution presented to the association was passed with a high priority. It may seem like a slight issue, but the counties that can least afford this are the counties that are bypassed on this testing. Because of that they are the most severely impacted. We do urge your support and passage. Thank you.

Brenda Nordland, Department of Justice, We think that this is a reasonable way to address the concerns in Daniels county and elsewhere in terms of trying to provide services in a very vast state. We urge a do pass recommendation..

REPRESENTATIVE SAM KITZENBERG, I had a listening session up in Daniels county before I came down here and this was a concern that came up by the county commissioners. It is a particular problem because it does require almost two days to do something like this. I feel like it is a legitimate concern. I would appreciate your consideration of this.

Ben Havdahl, MT Motor Carriers, We support this bill.

SENATOR "SPOOK" STANG, I would like to go on record as a proponent. When the CDL bills were first required, part of the deal that was cut to accept that Federal liability, was the fact that they would provide these exams in the local communities. As we have cut budgets over the years, this was one of the things that was left out. I think this is the proper way to go about this.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR JABS, suppose they don't get done in one day.

Brenda Nordland, one of the reasons the amendment is drafted the way it is, is to require that the scheduling go through headquarters. We can do the logistical operations in terms of figuring out how many we can perform in one community in order to be to the next community on time. It takes a fair amount of coordination.

SENATOR JABS, will they be in a certain community on a certain day.

Anita Drews, I think that we need to clarify the fact that the people who will be doing the CDL examinations are not the regular driver examiners that come out and do licensing. We have four commercial driver examiners who have the ability to do class A testing. This is what will be scheduled. People will call in and say they need a test in Ryegate, and we will tell them that we have an opening on certain days, and they can pick a day that is convenient for them.

SENATOR STANG, don't the applicants go to the original drivers license people first and take a written test.

Anita Drews, that is correct, they do all the paper work at the regular office and schedule the driving test.

SENATOR STANG, so then it would be very easy for your department to see that there had been six guys in a month that had come in and applied for a CDL, so those people could figure out a day when they could all come in.

Anita Drews, that is correct.

SENATOR MOHL, do you give the CDL test before they have the drug test.

Anita Drews, the department is not involved in the drug test. The only thing we are required to see is their medical card.

Ben Havdahl, drug testing is random. It is up to the employer to require that.

Closing by Sponsor: SENATOR NELSON, you can see the counties are really going to appreciate this. I would say that the Department of Motor Vehicles has been very cooperative.

EXECUTIVE ACTION ON SB 204

Motion: SENATOR STANG MOVED SB 204 DO PASS.

MOTION: SENATOR STANG MOVED THE AMENDMENT (EXHIBIT 2)

Vote: The motion to AMEND SB 204 CARRIED UNANIMOUSLY.

Motion: SENATOR STANG MOVED SB 204 AS AMENDED.

Vote: The DO PASS AS AMENDED motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 3:40 PM


SEN. ARNIE MOHL, Chairman


PHOEBE KENNY, Secretary

AM/PK