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Senate BILL NO. 254
Dumble
by request of Dept of Justice

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 31-120, R.C.M. 1947, PROVIDING FOR THE CLASSIFICATION OF DRIVERS' LICENSES ACCORDING TO THE SIZE OF VEHICLE DRIVEN BY REVISING THE DEFINITION OF OPERATOR AND CHAUFFEUR; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 31-120, R.C.M. 1947, is amended to read as follows:

"31-120. Person--operator--chauffeur--owner. (a) Person. Every natural person, firm, copartnership, association, or corporation.

(b) Operator. Every person, other than a chauffeur, who drives or is in actual physical control of ~~a--motor--vehicle upon-a-highway-or-who-is-exercising-control-over-or-steering a--vehicle--being-towed-by-a-motor-vehicle~~, any single motor vehicle not in excess of twenty-eight thousand (28,000) pounds gross vehicle weight, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight, except buses, or who is exercising control over or steering a motor vehicle being towed by another motor vehicle.

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(c) Chauffeur. Every person who ~~is-employed-by-another for-the-principal-purpose-of-driving--a--motor--vehicle--and every--person--who--drives--a-school-bus-transporting-school children--or--any--motor--vehicle--when--in--use--for--the transportation--of-persons-or-property-for-compensation; but shall-not-include-persons-driving--farm--trucks--or--hauling farm--products--for--producers-of-said-farm-products~~, drives any motor vehicle or combination of vehicles weighing over twenty-eight thousand (28,000) pounds gross vehicle weight and/or any bus.

(d) Owner. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act."

Section 2. This act is effective January 1, 1976.

-End-

SB 254

STATE OF MONTANA

REQUEST NO. 235-75

FISCAL NOTE

Form BD-15

In compliance with a written request received February 19, 19 75, there is hereby submitted a Fiscal Note for Senate Bill 254 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 254 provides for the classification of drivers' licenses according to the size of vehicle driven by revising the definition of operator and chauffeur. The effective date is January 1, 1976.

ASSUMPTIONS:

1. The proposed legislation will create a need for an additional testing officer in each of the six traffic divisions.
2. Although the effective date of the bill is January 1, 1976, training requirements necessitate hiring the new officers prior to January.
3. Drivers' manuals and examinations will need to be revised.
4. Federal government funding, through the Highway Safety Director's office will cover half the cost of revising drivers' manuals and examinations and all capital outlays.

FISCAL IMPACT:

Estimated increase in expenditures by category:	FY 76	FY 77
Personal Services (Highway ERA)	\$ 76,610	\$ 71,070
Operating Expenses (General Fund)	31,734	22,982
Capital Outlay and Printing (Federal Funds)	<u>63,000</u>	<u>18,590</u>
Total increase in expenditures	<u>\$171,344</u>	<u>\$112,642</u>

CONCLUSION:

Enactment of Senate Bill 254 will require additional expenditures of \$284,000 during the 1975-77 biennium. Approximately \$54,000 of the additional expenditures will be funded from the General Fund; the remainder will be paid through the Highway ERA and federal government grants.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 24, 1975

Approved by Committee
on Highways & Transportation

SENATE BILL NO. 254

INTRODUCED BY DUNKLE (BY REQUEST OF DEPARTMENT OF JUSTICE)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 31-120, R.C.M. 1947, PROVIDING FOR THE CLASSIFICATION OF DRIVERS' LICENSES ACCORDING TO THE SIZE OF VEHICLE DRIVEN BY REVISING THE DEFINITION OF OPERATOR AND CHAUFFEUR; AND PROVIDING AN EFFECTIVE DATE."

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(b) Operator. Every person, other than a chauffeur, who drives or is in actual physical control of ~~a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.~~ any single motor vehicle not in excess of twenty-eight thousand (28,000) pounds gross vehicle weight, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds gross vehicle weight, except buses, or who is exercising control over or steering a motor vehicle being towed by another motor vehicle.

~~(c) Chauffeur. Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation, but shall not include persons driving farm trucks or hauling farm products for producers of said farm products.~~ drives any motor vehicle or combination of vehicles weighing over IN EXCESS OF twenty-eight thousand (28,000) pounds gross vehicle weight and/or any bus.

(d) Owner. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act."

Section 2. This act is effective January 1, 1976.

-End-

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(c) Chauffeur. Every person who ~~is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation, but shall not include persons driving farm trucks or hauling farm products for producers of said farm products~~ drives any motor vehicle or combination of vehicles weighing over IN EXCESS OF twenty-eight thousand (28,000) pounds gross vehicle weight and/or any bus.

(d) Owner. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act."

Section 2. This act is effective January 1, 1976.

-End-

HOUSE OF REPRESENTATIVES

March 25, 1975

HOUSE COMMITTEE ON HIGHWAYS & TRANSPORTATION AMENDMENT TO SENATE BILL#254
DATED MARCH 11, 1975.

1. Amend page 1, section 1, subsection (b), line 25.

Following: "vehicle"

Insert: "and, persons driving farm trucks or hauling farm products for producers of said farm products who drives any vehicle forty-eight thousand (48,000) pounds gross weight or less"

AS SO AMENDED

BE CONCURRED IN

1 SENATE BILL NO. 254

2 INTRODUCED BY DUNKLE (BY REQUEST OF DEPARTMENT OF JUSTICE)

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
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15 association, or corporation.

16 (b) Operator. Every person, other than a chauffeur,
17 who drives or is in actual physical control of ~~a motor~~
18 ~~vehicle upon a highway or who is exercising control over or~~
19 ~~steering a vehicle being towed by a motor vehicle; any~~
20 single motor vehicle not in excess of twenty-eight thousand
21 (28,000) pounds gross vehicle weight, or any such vehicle
22 towing a vehicle not in excess of ten thousand (10,000)
23 pounds gross vehicle weight, except buses, or who is
24 exercising control over or steering a motor vehicle being
25 towed by another motor vehicle AND, PERSONS DRIVING FARM

1 TRUCKS OR HAULING FARM PRODUCTS FOR PRODUCERS OF SAID FARM
2 PRODUCTS WHO DRIVE ANY VEHICLE FORTY-EIGHT THOUSAND (48,000)
3 POUNDS GROSS WEIGHT OR LESS.

4 (c) Chauffeur. Every person who ~~is employed by another~~
5 ~~for the principal purpose of driving a motor vehicle and~~
6 ~~every person who drives a school bus transporting school~~
7 ~~children or any motor vehicle when in use for the~~
8 ~~transportation of persons or property for compensation, but~~
9 ~~shall not include persons driving farm trucks or hauling~~
10 ~~farm products for producers of said farm products; drives~~
11 any motor vehicle or combination of vehicles weighing over
12 IN EXCESS OF twenty-eight thousand (28,000) pounds gross
13 vehicle weight and/or any bus.

14 (d) Owner. A person who holds the legal title of a
15 vehicle or in the event a vehicle is the subject of an
16 agreement for the conditional sale or lease thereof with the
17 right of purchase upon performance of the conditions stated
18 in the agreement and with the immediate right of possession
19 vested in the conditional vendee or lessee, or in the event
20 a mortgagor of a vehicle is entitled to possession, then
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