

SENATE BILL NO. 83

1/10 Introduced
1/10 Referred to Highways & Transportation
1/12 Fiscal Note Requested
1/17 Fiscal Note Received
2/15 Fiscal Note Requested
2/18 Fiscal Note Received
2/19 Hearing
2/22 Committee Report-Bill Pass As Amended
2/25 2nd Reading Pass
2/27 3rd Reading Pass

Transmitted to House

3/06 Referred to Highways & Transportation
3/21 Hearing
Died in Committee

1 Senate BILL NO. 83
 2 INTRODUCED BY William E. Farrell

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SPECIAL
 5 CHAUFFEUR'S LICENSE TO DRIVE A TRUCK WEIGHING MORE THAN
 6 44,000 POUNDS; PROVIDING FOR EXAMINATIONS FOR A SPECIAL
 7 CHAUFFEUR'S LICENSE; EXEMPTING A HOLDER OF A VALID
 8 CHAUFFEUR'S LICENSE FROM EXAMINATION; REQUIRING TRAINING OF
 9 DRIVER EXAMINERS; AMENDING SECTIONS 61-5-110 AND 61-5-112,
 10 MCA; AND PROVIDING AN EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 61-5-112, MCA, is amended to read:
 14 "61-5-112. Classification of chauffeurs -- special
 15 restrictions -- special license to drive truck exceeding
 16 44,000 pounds. (1) The division upon issuing a chauffeur's
 17 license shall indicate thereon the class of license so
 18 issued and shall appropriately examine each applicant
 19 according to the class of license applied for and may impose
 20 such rules for the exercise thereof as it considers
 21 necessary for the safety and welfare of the traveling
 22 public.

23 (2) No person may drive any:

24 (a) school bus transporting school children or any
 25 motor vehicle when in use for the transportation of persons

1 for compensation until he has been licensed as a chauffeur
 2 for either such purpose and the license so indicates; or
 3 (b) motortruck, motortruck and trailer, truck tractor
 4 with a semitrailer, or truck tractor with a semitrailer and
 5 a full trailer exceeding 44,000 pounds combined gross loaded
 6 weight until he has been licensed as a chauffeur for such
 7 purpose and the license so indicates.

8 (3) The division may not issue a chauffeur's license;
 9 for-either-purpose

10 (a) under subsection (2)(a) unless the applicant has
 11 had at least 1 year of driving experience prior thereto and
 12 the division is fully satisfied as to the applicant's
 13 competency and fitness to be employed; or

14 (b) under subsection (2)(b) unless the applicant has,
 15 in addition to the requirements of subsection (3)(a),
 16 successfully completed the examination prescribed in
 17 61-5-110(1)(b)."

18 Section 2. Section 61-5-110, MCA, is amended to read:

19 "61-5-110. Examination of applicants -- training
 20 examiners. (1) The division shall examine every applicant
 21 for an operator's or chauffeur's license or motorcycle
 22 endorsement, except as otherwise provided in this section.
 23 Such examination shall include:

24 (a) a test of the applicant's eyesight, his ability to
 25 read and understand highway signs regulating, warning, and

1 directing traffic, his knowledge of the traffic laws of this
 2 state, and shall include an actual demonstration of ability
 3 to exercise ordinary and reasonable control in the operation
 4 of a motor vehicle or motorcycle; and

5 (b) for an applicant for a license under
 6 61-5-112(2)(b), a road test and a written examination as
 7 prescribed in 49 CFR, parts 391, 391.31, and 391.35, as it
 8 reads on October 1, 1985. Successful completion of the road
 9 test and written examination are prerequisites for issuance
 10 of a license under 61-5-112(2)(b).

11 (2) The division shall make provision for giving an
 12 examination either in the county where the applicant resides
 13 or at a place adjacent thereto reasonably convenient to the
 14 applicant within not more than 30 days from the date the
 15 application is received.

16 (3) The division shall make provision for training
 17 driver examiners in the subject matter and administration of
 18 the examinations required by subsection (1)(b)."

19 NEW SECTION. Section 3. Exemption for current license
 20 holder. Notwithstanding 61-5-110(1)(b) and 61-5-112(3)(b),
 21 the holder of a chauffeur's license valid on September 30,
 22 1985, is entitled to a license under 61-5-112(2)(b), and the
 23 road test and examination required in 61-5-110(1)(b) are
 24 waived for the holder of a chauffeur's license valid on
 25 September 30, 1985. This section does not abrogate any

1 provision of Title 61, chapter 5, part 2.

2 NEW SECTION. Section 4. Effective date. This act is
 3 effective July 1, 1985.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN083-85

Form BD-15

In compliance with a written request received January 14 19 85, there is hereby submitted a Fiscal Note for S.B. 83 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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 83 directs the Department of Justice, Motor Vehicle Division, to establish a special chauffeur's license to drive a truck weighing more than 44,000 pounds; exempts holders of a current chauffeur's license; requires training of Driver's Examiners.

ASSUMPTIONS:

1. The proposed legislation will require the development of a new testing procedure for the new class of chauffeur's license.
2. It is assumed that the effective date of the proposed legislation will be changed to October 1, 1985 to coincide with the grandfather clause (Section 3).
3. Approximately 5,250 chauffeur's license tests are given each year. It is assumed that 50% (or 2,625) of those having chauffeur's license will want the 44,000 pound endorsement.
4. There will be approximately 2,625 new written and driving tests which will require an additional two hours more than what is necessary now for a chauffeur's license; for the 44,000 pound chauffeur's endorsement.
5. The tests for the proposed legislation will be given in 15 different locations in the state.
6. It will take an additional 3.0 FTE (grade 12, step 1) to accomplish the proposed legislation.
7. It will be necessary to make changes to the automated driver's license files in the form of computer software changes.

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 17, 1985

SB-83

FISCAL IMPACT:

| | <u>FY 1986</u> | <u>FY 1987</u> | <u>Biennium</u> |
|-----------------------|------------------|------------------|------------------|
| Personal Services | \$ 63,837 | \$ 63,861 | \$127,698 |
| Operating Expense | | | |
| Contracted Services | 2,400 | 2,400 | 4,800 |
| Supplies & Materials | 1,800 | 1,800 | 3,600 |
| Travel | 8,100 | 3,600 | 11,700 |
| Repairs & Maintenance | 600 | 600 | 1,200 |
| Training | 1,500 | | 1,500 |
| Equipment | <u>25,560</u> | | <u>25,560</u> |
| Total Cost | <u>\$103,797</u> | <u>\$ 72,261</u> | <u>\$176,058</u> |

TECHNICAL DEFECT:

1. It appears that the date appearing on page 3, line 8 is in conflict with the effective date of the bill.
2. Effective date of the bill does not coincide with the grandfather clause (Section 3).

STATE OF MONTANA
FISCAL NOTE

Revised
REQUEST NO. FNN083-85

Form BD-15

In compliance with a written request received February 15, 19 85, there is hereby submitted a Fiscal Note for Senate Bill 83 /revised pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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 83 directs the Department of Justice, Motor Vehicle Division, to establish a special chauffeur's license to drive a truck weighing more than 44,000 pounds; exempts holders of a current chauffeur's license; requires training of Driver's Examiners.

ASSUMPTIONS:

1. The proposed legislation will require the development of a new testing procedure for the new class of chauffeur's license.
2. It is assumed that the effective date of the proposed legislation will be changed to October 1, 1985 to coincide with the grandfather clause (Section 3).
3. Approximately 5,250 chauffeur's license tests are given each year. It is assumed that 50% (or 2,625) of those having chauffeur's license will want the 44,000 pound endorsement.
4. There will be approximately 2,625 new written and driving tests which will require an additional two hours more than what is necessary now for a chauffeur's license; for the 44,000 pound chauffeur's endorsement.
5. The tests for the proposed legislation will be given in 15 different locations in the state.
6. It will take an additional 3.0 FTE (grade 12, step 1) to accomplish the proposed legislation.
7. It will be necessary to make changes to the automated driver's license files in the form of computer software changes.
8. The federal government accepts this change to the current state plan.
9. The federal cost share is 80% of the total program and the state share is 20%.

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 18, 1985

SB 83

REVISED

FISCAL IMPACT:

| | <u>FY 1986</u> | <u>FY 1987</u> | <u>Biennium</u> |
|-------------------------|------------------|------------------|------------------|
| Personal Services | \$ 63,837 | \$ 63,861 | \$127,698 |
| Operating Expense | | | |
| Contracted Services | \$ 2,400 | \$ 2,400 | \$ 4,800 |
| Supplies & Materials | 1,800 | 1,800 | 3,600 |
| Travel | 8,100 | 3,600 | 11,700 |
| Repairs & Maintenance | 600 | 600 | 1,200 |
| Training | 1,500 | | 1,500 |
| Equipment | \$ 25,560 | | \$ 25,560 |
| | <u>\$103,797</u> | <u>\$ 72,261</u> | <u>\$176,058</u> |
| General Fund | \$ 20,759 | \$ 14,452 | \$ 35,211 |
| Federal Special Revenue | \$ 83,038 | \$ 57,809 | \$140,847 |

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

1. It appears that the date appearing on page 3, line 8 is in conflict with the effective date of the bill.
2. Effective date of the bill does not coincide with the grandfather clause (Section 3).
3. Senate Bill 182 and Senate Bill 83 share the same source of federal funds.

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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2 INTRODUCED BY FARRELL

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17 license shall indicate thereon the class of license so
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19 according to the class of license applied for and may impose
20 such rules for the exercise thereof as it considers
21 necessary for the safety and welfare of the traveling
22 public.

23 (2) No person may drive any:

24 (a) school bus transporting school children or any
25 motor vehicle when in use for the transportation of persons

1 for compensation until he has been licensed as a chauffeur
2 for either such purpose and the license so indicates; or
3 (b) motortruck, motortruck and trailer, truck tractor
4 with a semitrailer, or truck tractor with a semitrailer and
5 a full trailer exceeding 44,000 pounds combined gross loaded
6 weight until he has been licensed as a chauffeur for such
7 purpose and the license so indicates.

8 (3) The division may not issue a chauffeur's license:
9 ~~for either purpose~~

10 (a) under subsection (2)(a) unless the applicant has
11 had at least 1 year of driving experience prior thereto and
12 the division is fully satisfied as to the applicant's
13 competency and fitness to be employed; or

14 (b) under subsection (2)(b) unless the applicant has,
15 in addition to the requirements of subsection (3)(a),
16 successfully completed the examination prescribed in
17 61-5-110(1)(b)."

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 22 1985, is entitled to a license under 61-5-112(2)(b), and the
 23 road test and examination required in 61-5-110(1)(b) are
 24 waived for the holder of a chauffeur's license valid on
 25 September 30, 1985. This section does not abrogate any

1 provision of Title 61, chapter 5, part 2.

2 ~~NEW SECTION. Section 4. Effective date. This act is~~
 3 ~~effective July 17, 1985.~~

-End-

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