EXHIBIT 6
DATE 1-17-05
HB 186

January 17, 2005

TO: House Transportation Committee
FROM: Dal Smilie, Vice Chairman, American Motorcyclist Association
RE: HB 186

This bill is totally unneeded. Right now there are ample laws to make sure that vehicles are street legal. "Motorcycles", "motor-driven cycles", "quadricycles" and street rods are not legally able to ride in the street without license plates and never on the sidewalks. Many "pocket bikes" require drastic modification to be made street legal and most problem users won't take those steps.

The bill's attempt to fix the problem of a flood of Chinese imports of small motorcycles and motor-driven cycles to retail stores limits the ability of Montanans to modify their vintage and dirt bikes and custom, homebuilt, kit or reframed motorcycles, street rods, quadricycles over 50 hp and to get them titled and registered. On the other hand it fails to include the very small almost toy-like battery driven or electric quadricycles.

Currently modification of such vehicles must meet only Montana law. Section 1 of this bill does not appear to allow modification of these vehicles. To be able to be registered A vehicle must be: "designed for use . . . on a highway AND, have a 17 digit VIN". If a vehicle misses any of those initial hurdles they are barred from being made licensable.

To read the bill any other way makes no sense. That would mean that a vehicle would have to fail only one of the statutory tests to be allowed on our roads, if other statutes are complied with. That would be a huge loophole that could make this bill meaningless even if more artfully drafted. Are we so sure what the term "designed for use in a controlled environment or track and is not designed for use on a public highway" means? Some of these Chinese imports and certainly home-built and kit vehicles were probably designed for use on public highways somewhere in the world.

This bill incorporates by reference two federal regulations, which include many more requirements, and which will likely be further modified by the federal government. This is an unusually large grant of discretion to the federal government that is probably unconstitutional in its own right.

I currently have two motorcycles with after-market frames, which do not have 17 digit VINs. I also have one vintage motorcycle that does not have a 17 digit VIN. I have had others and plan to have more. I have one 1947 Studebaker street rod that does not have a custom frame but has had the portion of the frame that would contain the original VIN replaced.

Is this a safety problem, a law enforcement problem or the problem of franchised motor vehicle dealers seeking to stem the flow of vehicles from new sources?

In the introduced version of the bill 61-5-125(2)(i) is proposed to be modified to allow the Department of Justice to create categories of motorcycle endorsement based on engine displacement. The fiscal note anticipated four of these classifications within the biennium. There were many issues presented by this and the Department has agreed to eliminate this from the bill.

The problem of illegal vehicles on our streets and sidewalks can be appropriately policed at this time with the vehicle equipment laws currently on the books. This bill creates new and unintended problems and should be killed.

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