

SB248 Testimony (Sen. Joe Balveat)

EXHIBIT 1
DATE 3.4.05
SS 248

Members of the House Transportation Committee; this bill makes a slight revision in the penalty for driving an uninsured vehicle. Current law says if you have a second violation of driving without insurance; you must pay a big fine, relinquish the plates to your vehicle for 3 months, and prove you have insurance before driving it again. If you pass SB248, the only change would be to let you drive the vehicle back and forth to work during that time, **if you can prove you have the insurance first.** You still would not be able to drive the vehicle for any other purpose. There were no opponents to this bill in Senate Transport Committee, and it passed out of committee unanimously and they amended on an immediate effective date; and it passed unanimously on second reading in the Senate.

Why am I asking for this change? I told the Senate Transportation Committee the story; and it was a real tearjerker:

A young man told me, "Several years ago I drove uninsured and was ticketed. But then I got married, had a child, and now I work as a traveling nurse assistant at various nursing homes around Montana. It doesn't pay real well, but I like helping the old people. My wife works hard too, and together we makes ends meet for our little baby.

Unfortunately, I recently got so busy with my work and travel schedule and the baby that I just forgot about my insurance and it lapsed. I was ticketed, so I went out and bought insurance and scraped money together for the fine. At court, I sat through the sentencing of a DUI violater who had his license suspended with the stipulation that he could still drive back and forth to work.

Since I had proof of insurance with me, I felt re-assured that at least I'd be able to continue to make a living for my wife and little daughter; because if they let drunks still drive back and forth to work; surely I'll get some similar provision. I showed the judge my insurance, pointed out I had to travel to make a living for my family, and couldn't I at least drive the car back and forth to work like the drunk drivers can. He said he couldn't do that, because state law said I couldn't drive my car for any purpose, even if I already paid the insurance.

So I had to turn in my license plates and now I don't know what to do. The insurance I bought is worthless; and I have no way to get to work to feed my family. This law doesn't make any sense, can you help me? I looked the young man in the eye and said, "Look here son, You're absolutely right that it doesn't make any sense that we'd treat an insurance lapse more harshly than driving drunk. But you gotta understand how Helena works. It's not based on logic, it's based on how many high powered lobbyists show up at the hearings. And the insurance industry can afford to hire lots of lobbyists for Helena; while Mothers Against Drunk Driving doesn't have any lobbyists. But I promise you I'll see if I can get this law changed so it's at least a little fairer, and you can try to make a living somehow."

So that's why I brought the bill and I ask this committee to pass this bill for 4 reasons:

- 1) Its just plain injustice that we would penalize an uninsured driver more harshly than a DUI; and we need to allow a similar work related exception just in the name of simple justice. Such obvious injustice sours our young people and makes them cynical about the law in Montana.
- 2) Most uninsured drivers are low income like this example, and granting this exception will enable low income families to continue working, and keep them off the welfare and public assistance rolls. In fact, I'd argue that this bill ought to have a positive fiscal note.
- 3) This exception will only be granted upon proof of renewed insurance, so this will be an incentive for these people to actually get their vehicles insured. Otherwise, they have no incentive – they can't drive the vehicle for months anyway, so what's the use. And months later when the vehicle is finally driveable again, the citation and fine are now a distant memory. This bill is a real incentive to get these people back onto the insurance roles and get them back in the habit of paying that insurance bill. In fact, I think if the insurance industry really thought about, they should be here supporting this bill.
- 4) Pass this bill for that young man, and his Latino wife, and their pretty little baby daughter.

With that, I'll sit and listen to the pros and cons. I reserve the right to close.

Closing Testimony SB248 (Sen. Joe Balyeat)

Members of the committee, I'd like to close on this bill by going back to that story about the young man. You may recall that when I answered his question, I addressed him this way – I said, “Look here Son.” Well, there was a good reason I called him “Son”; because he is my son. And that pretty little baby is my granddaughter. And during January, while I was up here in Helena playing politician; and I was unable to be there and help him with his transportation problem, he and his little family struggled mightily during that cold part of winter. Coming from Mexico, my daughter-in-law wasn't used to the bitter cold, and she often had to walk with the little baby. My son missed several days work and wages, the old folks missed his dedicated service, and the situation actually caused strife in his home. At one point, I even attempted to drive back to Bozeman to lend him my truck for awhile; but 10 miles out of Helena, I blew the engine in my truck..

Finally just last week, he had to sell his embargoed vehicle and buy another one, so it's no longer an issue for him; but I respectfully request that this committee pass this bill as soon as possible; to prevent other low income families from having to experience this undue hardship.

I ask that a written copy of my testimony be placed in the record. I thank the committee for a good hearing.