SB248 Sponsor's Testimony (Sen. Joe Balyeat)

SENATE HIGHWAYS AND TRANSPORTATION
EXHIBIT NO.
DATE
BILL NO. over

Mr. Chairman, members of the committee; it's a pleasure to present you with SB 248 today. 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 on 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.

Why am I asking for this change? Let me tell you the story:
A young 25 year old man came to me just before this session started. He said, "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 is originally from Mexico City, and she 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, and knew I was wrong so I expected to pay a big fine. Before the court date, I went out and bought insurance and scraped money together for the fine. The day I went to court, I had to sit through the sentencing of several other traffic violaters, including 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 something less severe than that. But when I showed the judge my insurance, he said that doesn't matter, state law says you must turn in your license plates for three months. I told him 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, and 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. You're a state senator, isn't there anything you can do? Doesn't that seem wrong to you that you get a worse fine for letting your insurance lapse than you do for driving drunk? That doesn't make any sense, how can that be?"

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 go to Helena and 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 now that you know the story, 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.

SENATE TAXATION
EXHIBIT NO. 2 (cont.)
DATE 1/25/2005
BILL NO. SB248

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 this last month, while I've been up here in Helena playing politician; and I've been unable to be there and help him with his transportation problem, he and his little family have been struggling mightily on during this cold winter, with this sad and ridiculous situation, especially during that recent bitter cold stretch. Coming from Mexico, my daughter-in-law isn't used to this bitter cold, and she often has to walk with the little baby. My son has missed several days work and wages, the old folks miss his dedicated service, and its caused strife in his home. I attempted to drive back to Bozeman last weekend and I was gonna let him use my truck for awhile; but 10 miles out of Helena, I blew the engine in my truck. I realize its too late to help my son's situation, but I respectfully request that this committee consider putting in an immediate effective date and 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.