

**SUMMARY OF TRANSPORTATION-RELATED LEGISLATION  
ENACTED DURING THE  
2003 LEGISLATIVE SESSION**

Prepared for the Revenue and Transportation Interim Committee  
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What follows is a summary of transportation-related legislation enacted during the 2003 Legislative Session. The legislation was generally considered by either the House and Senate Transportation committees or the House and Senate Judiciary committees.

Categories are: Traffic Safety, Traffic Control & Vehicle Equipment; Driver's License & Commercial Driver's License; DUI; Railroads & Railroad Crossings; Vehicle Registration & License Plates; Junk Vehicles, Abandoned Vehicles & Tow Trucks; Vehicle Size, Weight, Load & GVW Fees; Hazardous Waste Transport; and Miscellaneous.

House bills are summarized first in ascending order for each category.

**TRAFFIC SAFETY, TRAFFIC CONTROL & VEHICLE EQUIPMENT**

1. **House Bill No. 22 (Ch. 53) - Kaufmann.** Revises and updates provisions governing traffic control devices and pedestrian control signals; establishes vehicle operator requirements when lane use control signals are in place. *The bill is a product of the study conducted during the 2001-2002 interim by the Department of Transportation in response to SJR 6, passed during the 2001 Session, calling for a comprehensive study and update of traffic codes.*
  - a. Amends sections 61-8-201, 61-8-202, 61-8-203, 61-8-207, 61-8-208, 61-8-209, and 61-8-210, MCA.
  - b. Enacts 61-8-211, MCA.
  - c. Repeals section 61-8-205, MCA.
  - d. Effective October 1, 2003.
  
2. **House Bill No. 67 (Ch. 374) - Kaufmann.** Revises and updates provisions governing pedestrians; eliminates statutory provisions for school safety patrols; prohibits a vehicle operator from driving past a school crossing guard directing children; directs where a pedestrian may walk when sidewalks or shoulders are not available; restricts standing on a roadway or highway for soliciting rides, business, or contributions; prohibits a person who is under the influence of alcohol or any drug from walking or standing on a roadway or shoulder except in an authorized crosswalk; requires pedestrians to yield to emergency vehicles; requires operators of vehicles to yield to blind pedestrians; prohibits pedestrians from entering a railroad grade crossing while barriers are closed or being opened or closed. *The bill is a product of*

*the study conducted during the 2001-2002 interim by the Department of Transportation in response to SJR 6, passed during the 2001 Session, calling for a comprehensive study and update of traffic codes.*

- a. Amends sections 20-3-106, 61-8-501, 61-8-502, 61-8-504, 61-8-506, 61-8-507, and 61-8-508, MCA.
  - b. Enacts sections 61-8-515, 61-8-516, and 61-8-517, MCA.
  - c. Repeals section 20-1-408, MCA.
  - d. Effective October 1, 2003.
3. **House Bill No. 68 (Ch. 20) - Kaufmann.** Requires obedience to the traffic direction of flag persons and crossing guards. *The bill is a product of the study conducted during the 2001-2002 interim by the Department of Transportation in response to SJR 6, passed during the 2001 Session, calling for a comprehensive study and update of traffic codes.*
- a. Amends sections 61-8-102 and 61-8-105, MCA.
  - b. Effective October 1, 2003.
4. **House Bill No. 105 (Ch. 352) - Olson.** Revises, updates, and clarifies provisions governing vehicle operating requirements; allows a slow-moving vehicle to turn off of a roadway at areas other than those designated for that purpose; makes consistent references to various types of highways; requires other vehicles to yield the right-of-way to vehicles engaged in mobile highway maintenance; clarifies that local authorities have the option of designating no-passing zones; clarifies that provisions governing no-passing zones do not apply when a vehicle is making certain turning movements; provides for and defines roundabouts; allows a person to cross double yellow lines if turning into a private road or driveway; prohibits a person from parking a motor vehicle in a bicycle lane; regulates turning where a special lane has been designated for making left turns; prohibits the operator of a motor vehicle from interfering with a bicyclist; modifies the provisions for stopping at and crossing railroad grade crossings; allows a motorcyclist to drive without the headlamp lighted if the motorcycle is being driven to a repair facility; increases the fine for throwing containers of urine or feces on a highway to \$1,000; prohibits shooting a firearm from or across the right-of-way of any highway; provides for the establishment of school crossing guards. *The bill is a product of the study conducted during the 2001-2002 interim by the Department of Transportation in response to SJR 6, passed during the 2001 Session, calling for a comprehensive study and update of traffic codes.*
- a. Amends sections 61-8-301, 61-8-303, 61-8-311, 61-8-312, 61-8-321, 61-8-323, 61-8-324, 61-8-325, 61-8-326, 61-8-327, 61-8-328, 61-8-329, 61-8-330, 61-8-331, 61-8-332, 61-8-333, 61-8-334, 61-8-336, 61-8-338, 61-8-340, 61-8-341, 61-8-342, 61-8-343, 61-8-344, 61-8-345, 61-8-346, 61-8-347, 61-8-348, 61-8-349, 61-8-350, 61-8-354, 61-8-355, 61-8-356, 61-8-359, 61-8-360, 61-8-361, 61-8-362, 61-8-363, 61-8-364, 61-8-365, 61-8-368, 61-8-369, 61-8-715, 61-9-402, 61-9-416, and 61-9-431, MCA.
  - b. Enacts sections 20-1-214, 61-8-317, and 61-8-320, MCA.

- c. Repeals section 61-8-315, MCA.
  - d. Effective October 1, 2003.
5. **House Bill No. 112 (Ch. 46) - Pattison.** Allows vehicles to pass school buses that are stopped to receive or discharge school children in designated school bus turnouts; specifies the requirements necessary to designate a school bus turnout.
- a. Amends sections 61-8-301, 61-8-351, and 61-8-715, MCA.
  - b. Effective October 1, 2003.
6. **House Bill No 141 (Ch. 379) - Lange.** Redefines the criminal conduct of and increases the penalties for fleeing from or eluding a peace officer.
- a. Amends sections 61-5-205, 61-8-301, 61-8-715, 61-9-402, and 61-9-431, MCA.
  - b. Enacts section 61-8-316.
  - c. Effective October 1, 2003.
7. **House Bill No. 237 (Ch. 357) - Brueggeman.** Requires a motor vehicle equipped with an engine compression brake device to have a muffler; allows use of an engine compression brake device equipped with a muffler; provides a penalty.
- a. Enacts sections 61-9-321 and 61-9-521, MCA.
  - b. Effective October 1, 2003.
  - c. Applicability: Penalty provision is applicable to violations occurring on or after April 1, 2004.
8. **House Bill No. 259 (Ch. 540) - Maedje.** Increases the speed limit to 70 miles an hour on U.S. Highway 93 between the Canadian border and reference marker 133 northwest of Whitefish.
- a. Amends section 61-8-303, MCA.
  - b. Effective May 23, 2003.
9. **House Bill No. 639 (Ch. 220) - Laslovich.** Provides that fines for violations of motor vehicle or parking regulations on a University System campus be assessed in accordance with a schedule that is approved by the Board of Regents; removes the \$10 per offense cap on fines.
- a. Amends section 20-25-312, MCA.
  - b. Effective October 1, 2003.
10. **Senate Bill No. 217 (Ch. 407) - Mahlum.** Requires the use of child safety restraints in motor vehicles for children under 6 years of age who weigh less than 60 pounds; assigns the responsibility for use of child safety restraints to the driver; removes the provision requiring no more than three child safety restraint systems in a vehicle.
- a. Amends sections 61-9-420 and 61-13-103, MCA.
  - b. Effective October 1, 2003.

## DRIVER'S LICENSE & COMMERCIAL DRIVER'S LICENSE

1. **House Bill No. 185 (Ch. 428) - Wilson.** Revises laws governing commercial driver licensing to conform with requirements of the federal motor carrier safety improvement act of 1999 (MCSIA) and the federal regulations implementing MCSIA; defines "noncommercial motor vehicle"; revises the definitions of "commercial motor vehicle" and "commercial driver's license"; clarifies the requirements for operation of a commercial motor vehicle; revises the requirements governing the application for and renewal of a commercial driver's license; revises requirements for requesting driving records from a prior state of licensure; revises license suspension periods and computation requirements for noncommercial and commercial motor vehicle implied consent laws; revises requirements for suspension of a commercial driver's license for major offenses or for conduct occurring while operating a noncommercial motor vehicle; clarifies the requirements for suspension of a commercial driver's license for a person who operates a commercial motor vehicle without a commercial driver's license or proper endorsement or while the person's commercial driver's license is suspended; includes noncommercial motor vehicle offenses in the list of felony-drug offenses for which suspension of a commercial driver's license is required.
  - a. Amends sections 61-1-134, 61-1-135, 61-5-102, 61-5-107, 61-5-110, 61-5-111, 61-5-112, 61-5-118, 61-5-212, 61-8-402, 61-8-802, 61-8-803, 61-8-804, 61-8-805, 61-8-806, AND 61-11-102, MCA.
  - b. Enacts sections 61-1-142, 61-8-813, and 61-8-814.
  - c. Repeals section 61-5-117, MCA.
  - d. Applies to the operation of a commercial motor vehicle, a driver's license that is issued or renewed, and conduct or offenses that occur on or after October 1, 2003.
  
2. **House Bill No. 197 (Ch. 556) - Becker.** Revises laws relating to revocations, suspensions, and recordkeeping of driver's licenses; removes the requirement that the Department of Justice establish by administrative rule a driver rehabilitation and improvement program that includes a requirement to contract with private entities for the operation of program courses; clarifies the requirements for obtaining and using a driving record from another jurisdiction for a person applying for a Montana driver's license; revises requirements for the suspension and revocation of a driver's license for convictions of certain offenses and breath testing refusals; revises authority to impose a discretionary license suspension; revises the requirement for suspending a license for a conviction of driving while a license is suspended or revoked; removes the requirement that the Department suspend the driver's license of a person who fails to comply with certain driver rehabilitation and improvement course requirements; removes the definition of "driver in need of rehabilitation and improvement"; provides for a discount on license reinstatement fees upon completion of a driver rehabilitation program.
  - a. Amends sections 61-2-302, 61-5-107, 61-5-205, 61-5-206, 61-5-208, 61-5-212, 61-7-103, 61-8-402, 61-8-409, 61-8-734, 61-11-203, 61-11-204, and 61-13-104,

- MCA.
    - b. Effective May 5, 2003.
- 3. **House Bill No. 206 (Ch. 558) - Younkin.** Increases and changes the disposition of fees for driver's licenses and duplicate licenses; requires a biennial report to the Legislative Finance Committee by the Department of Justice.
  - a. Amends sections 61-5-111, 61-5-114, and 61-5-121, MCA.
  - b. Effective July 1, 2003.
- 4. **House Bill No. 215 (Ch. 133) - Brueggeman.** Standardizes the fee for reinstatement of a driver's license or driving privilege after suspension or revocation by increasing the fee for reinstatement after certain suspensions or revocations from \$25 to \$100; exempts the holder of a commercial driver's license from the standardized reinstatement fee.
  - a. Amends sections 61-5-215 and 61-5-216, MCA.
  - b. Enacts section 61-5-218.
  - c. Effective July 1, 2003.
  - d. Applicable to the reinstatement of a driver's license or driving privilege that is suspended or revoked on or after July 1, 2003.
- 5. **House Bill No 478 (Ch. 437) - Peterson.** Allows a criminal sentence to include a provision for the suspension of the license or driving privilege of the convicted person upon the failure to comply with any penalty, restriction, or condition of the sentence; provides a procedure for the suspension of the license or driving privilege.
  - a. Amends sections 46-18-201 and 61-5-214, MCA.
  - b. Effective October 1, 2003.
  - c. Applicable to sentences imposed for offenses committed on or after October 1, 2003.
- 6. **House Bill No. 618 (Ch. 442) - Dickenson.** Increases to \$200 the fee for reinstatement of a driver's license that has been revoked as a result of certain offenses, including driving under the influence of alcohol or drugs; provides that half of the fees collected be deposited into the general fund and the other half into an account in the state special revenue fund.
  - a. Amends section 61-2-107, MCA.
  - b. Effective October 1, 2003.
- 7. **House Bill No. 711 (Ch. 251) - Gallus.** Requires the Department of Justice to mail a renewal notice prior to the expiration of a driver's license; provides a renewal notice fee.
  - a. Amends section 61-5-111, MCA.
  - b. Effective October 1, 2003.

## DUI

1. **House Bill No. 195 (Ch. 300) - Younkin.** Increases the penalties for driving under the influence or driving with an illegal alcohol concentration.
  - a. Amends sections 61-2-302, 61-5-208, 61-8-421, 61-8-442, 61-8-714, 61-8-722, and 61-8-733, MCA.
  - b. Effective April 14, 2003.
  - c. Applicable to persons sentenced for offenses committed on or after April 14, 2003.
2. **House Bill No. 284 (Ch. 213) - Gillan.** Provides that a peace officer does not need probable cause to believe that a person was driving under the influence in order to request a test of a person's blood or breath for the purpose of determining any measured amount or detected presence of alcohol or drugs in the person's body when the person has been involved in a motor vehicle accident or collision resulting in serious bodily injury or death.
  - a. Amends section 61-8-402, MCA.
  - b. Effective October 1, 2003.
3. **House Bill No. 289 (Ch. 388) - Newman.** Increases the sanctions imposed upon a driver who refuses to submit to a blood or breath test by providing a rebuttable inference that a person who refuses a test is under the influence.
  - a. Amends section 61-8-404, MCA.
  - b. Effective October 1, 2003.
4. **Senate Bill No. 13 (Ch. 329) - Mahlum.** Substitutes 0.08 for 0.10 in the laws relating to driving under the influence and driving with an illegal alcohol concentration in the body; reduces the blood alcohol concentration from 0.18 to 0.16 for purposes of requiring an ignition interlock device.
  - a. Amends sections 61-5-205, 61-5-208, 61-8-401, 61-8-406, 61-8-442, and 61-11-203, MCA.
  - b. Effective April 15, 2003.

## RAILROAD & RAILROAD CROSSINGS

1. **House Bill No. 419 (Ch. 303) - Laszloffy.** Requires a railroad corporation to erect signs in advance of a crossing at which a locomotive horn and bell must be sounded; requires the horn and bell to be sounded for at least 15 seconds prior to a locomotive occupying a crossing if the train is stopped within a certain distance of the crossing; clarifies the meaning of the phrase "public highway, public road, or public railroad crossing" for the purposes of determining when a locomotive horn and bell must be sounded.
  - a. Amends section 69-14-562, MCA.

- b. Effective April 14, 2003.
2. **Senate Bill No. 315 (Ch. 337) - Schmidt.** Provides for a feasibility study by the Office of Economic Development to assess conditions affecting rail freight competition in Montana and to analyze possibilities to improve rail freight competition.
    - a. Not codified.
    - b. Effective April 15, 2003.
  3. **Senate Bill No. 399 (Ch. 527) - Bohlinger.** Allows a municipality or county to request that the United States Department of Transportation establish railroad crossing quiet zones through which locomotive horns and bells are not routinely sounded; requires the municipality or county to describe how required supplemental safety measures will be implemented at those crossings; provides that a quiet zone may not be established unless certain procedures are followed; allows a railroad company to permit its trains to pass through designated quiet zones without sounding their horns and bells; exempts a railroad company and employees from liability.
    - a. Amends sections 61-8-347, 69-14-562, and 69-14-610, MCA.
    - b. Enacts section 69-14-620, MCA.
    - c. Effective April 26, 2003.
  4. **Senate Bill No. 400 (Ch. 490) - Toole.** Revises the Railroad Vandalism Prevention Act; reduces the penalties; increases from \$500 to \$1,000 the amount of property damage needed to make the offense a felony; makes the Act permanent.
    - a. Amends section 69-14-1205, MCA.
    - b. Repeals section 8, Chapter 432, Laws of 2001.
    - c. Effective April 24, 2003.

## VEHICLE REGISTRATION & LICENSE PLATES

1. **House Bill No. 93 (Ch. 42) - Lawson.** Requires the Department of Justice to adopt rules allowing for the early reregistration of a motor vehicle.
  - a. Amends section 61-3-315, MCA.
  - b. Effective October 1, 2003.
2. **House Bill No. 250 (Ch. 134) - Morgan.** Revises the design of license plates for recipients of a purple heart medal by adding the words "combat wounded".
  - a. Amends section 61-3-332, MCA.
  - b. Effective January 1, 2004.
3. **House Bill No. 261 (Ch. 562) - Haines.** Increases the debt limit under the municipal finance consolidation act; increases the loan to the Department of Justice for the motor vehicle

information technology system from \$4.5 million to \$22.5 million; temporarily increases the fee for issuance of a certificate of ownership for a motorboat or sailboat, a snowmobile, an off-highway vehicle, and a motor vehicle by \$5; temporarily imposes a \$10 fee on the issuance of a new certificate of title; temporarily increases the fee for obtaining a duplicate certificate of ownership; requires the deposit of the new and increased fees in the motor vehicle information technology system account for purposes of repaying the loan.

- a. Amends sections 17-5-1608, 17-5-2001, 23-2-508, 23-2-611, 23-2-811, 61-3-103, 61-3-203, 61-3-204, and 61-3-550, MCA, and sections 5 and 9, Chapter 394, Laws of 2001.
  - b. Effective July 1, 2003.
  - c. Terminates June 30, 2013.
4. **House Bill No. 280 (Ch. 143) - Wanzenried.** Allows for the use of original Montana license plates on motor vehicles that are 25 years old or older and that are used for general transportation purposes; requires permanent registration of general transportation collector's item vehicles; defines "general transportation collector's item".
- a. Amends section 61-3-412 and 61-3-562, MCA.
  - b. Enacts section 61-3-413, MCA.
  - c. Effective October 1, 2003.
5. **House Bill No. 414 (Ch. 246) - Balyeat.** Provides a grace period for registration of motorboats, sailboats, personal watercraft, snowmobiles, and off-highway vehicles; authorizes the operation of a motorboat, sailboat, personal watercraft, snowmobile, or off-highway vehicle during the grace period.
- a. Amends sections 23-2-511, 23-2-512, 23-2-616, 23-2-618, and 23-2-817, MCA.
  - b. Voided by House Bill No. 559.
6. **House Bill No. 458 (Ch. 248) - Musgrove.** Allows a qualifying person to combine an application for a special license plate with an application for a license plate bearing the symbol of a person with a disability.
- a. Amends section 61-3-479, MCA.
  - b. Effective October 1, 2003.
7. **House Bill No. 538 (Ch. 477) - Rome.** Revises the laws governing certificates of title and registration of certain motor vehicles; implements business practices recommended as part of the motor vehicle information technology project authorized by the 57th Legislature; enables a gradual transition from paper-based to electronic transactions for vehicle titling; removes statutory impediments to the use of electronic transactions for issuing titles for and the registration of certain vehicles; defines certain terms related to the issuing of a title and the registration of certain vehicles; clarifies the requirements for applying for, issuing, and transferring a certificate of title; revises and clarifies duties of the Department of Justice and



county treasurers concerning the issuing of titles and registration processes; requires issuance of a certificate of title only if requested by the vehicle owner; allows for delayed title issuance; authorizes the Department to refuse issuance of a certificate of title in certain circumstances; clarifies the requirements for voluntary and involuntary transfer of vehicle interests; clarifies the requirements for issuance of a certificate of title for a salvage vehicle; authorizes and standardizes issuance of temporary registration permits to allow the operation of a vehicle prior to completion of the issuance of title process; replaces the term "certificate of ownership" with "certificate of title" for certain motor vehicles; applies the certificate of title requirements for passenger vehicles to motorboats, sailboats 12 feet in length or longer, and snowmobiles; revises the authority of certain vehicle dealers to issue temporary registration permits; clarifies the definition of "off-highway vehicle"; clarifies the requirements for off-highway vehicle decal registration; authorizes the use of an electronic record of title and an electronic record of registration for vehicle certificate of title and registration transactions; clarifies the recordkeeping duties of the Department concerning vehicles; clarifies and standardizes the processes for the filing and perfection of certain security interests in a motor vehicle; clarifies that a certificate of title is prima facie evidence of facts in the title; clarifies reporting requirements for stolen vehicles; revises the Department's authority to develop and implement a pilot program for electronic certificate of title and registration transactions; clarifies the requirements to obtain a title for a vehicle and the exemptions from titling for certain vehicles; clarifies when a certificate of title must be canceled; increases certain fees related to the issuing of a title or the registration of certain motor vehicles; revises the requirements for furnishing a bond in lieu of an assigned certificate of title; allows issuance of a certificate of title under certain conditions; revises the requirements for the initial registration of and annual renewal of registration for certain motor vehicles; clarifies the registration requirements for vehicles issued a certificate of title and registered in another jurisdiction and used for gainful occupation in Montana; clarifies the grace period for a certificate of title and registration of a vehicle following a transfer of ownership; clarifies the requirements for a new or used motor vehicle dealer to issue a temporary registration permit; clarifies the limitations on the transfer of temporary registration permits from dealer to dealer.

- a. Amends sections 15-1-116, 15-1-117, 15-1-121, 15-1-122, 23-2-502, 23-2-508, 23-2-513, 23-2-601, 23-2-611, 23-2-614, 23-2-615, 23-2-616, 23-2-619, 23-2-622, 23-2-631, 23-2-634, 23-2-641, 23-2-642, 23-2-644, 23-2-801, 23-2-804, 23-2-814, 23-2-817, 23-2-818, 30-9a-311, 31-1-816, 40-5-248, 61-1-102, 61-1-509, 61-3-101, 61-3-103, 61-3-106, 61-3-107, 61-3-109, 61-3-201, 61-3-202, 61-3-203, 61-3-204, 61-3-205, 61-3-206, 61-3-207, 61-3-208, 61-3-210, 61-3-211, 61-3-212, 61-3-303, 61-3-311, 61-3-312, 61-3-317, 61-3-322, 61-3-342, 61-3-411, 61-3-412, 61-3-456, 61-3-519, 61-3-562, 61-3-603, 61-3-701, 61-4-104, 61-4-111, 61-4-112, 61-4-120, 61-4-121, 61-12-406, 75-10-512, and 75-10-513, MCA.
- b. Repeals sections 23-2-509, 23-2-510, 23-2-520, 23-2-612, 23-2-613, 23-2-620, 23-2-810, 23-2-811, 23-2-812, 23-2-813, 61-3-105, 61-3-305, and 61-3-518,

MCA, and section 4, Chapter 90, Laws of 1997, section 2, Chapter 260, Laws of 1999, and section 9, Chapter 394, Laws of 2001.

- c. Effective January 1, 2004.
  - d. Applicability: Except for section 42 (61-1-509, MCA), defining "certificate of title", which applies retroactively to security interests filed before January 1, 2004, the act applies to motor vehicle certificates of title and registrations on or after January 1, 2004.
8. **House Bill No. 549 (Ch. 250) - Dickenson.** Increases to \$30 the scholarship donation for a collegiate license plate.
- a. Amends section 61-3-465, MCA.
  - b. Effective July 1, 2003.
9. **House Bill No. 556 (Ch. 393) - Gallik.** Revises the registration period for certain vehicles that are registered in a manner that allows them to display amateur radio operator license plates; directs the Department of Justice to adopt rules that provide a separate registration period for motor homes that display amateur radio operator license plates.
- a. Amends sections 61-3-313 and 61-3-526, MCA.
  - b. Effective April 18, 2003.
10. **House Bill No. 558 (Ch. 591) - D. Brown.** Revises the terms of the nonresident temporary-snowmobile-use permit; removes the registration exemption for snowmobiles registered in another state or country that are intended to be temporarily used within this state for not more than 30 days; increases the fee for a nonresident temporary-snowmobile-use permit and directs expenditure of the fee for snowmobile trail grooming assistance in impacted areas, for increased enforcement of snowmobile laws, and for the statewide snowmobile trail grooming program; provides that a nonresident temporary-snowmobile-use permit is valid during the fiscal year in which it is issued; provides that a nonresident temporary-snowmobile-use permit is not required for a snowmobile that will be used only on trails that are managed jointly by agreement between Montana and another state.
- a. Amends sections 23-2-614 and 23-2-615, MCA.
  - b. Effective July 1, 2003.
11. **House Bill No. 559 (Ch. 592) - Gallus.** Revises provisions relating to registration of certain motor vehicles, motor boats, sailboats, personal watercraft, and snowmobiles; provides for a registration decal as evidence of payment of fees imposed for a vehicle or vessel registration period; prescribes placement of the registration decal; simplifies the fees in lieu of tax imposed on boats and certain other watercraft, snowmobiles, off-highway vehicles, travel trailers and certain other trailers, and motorcycles and quadricycles; changes from annual to one-time-only the registration, licensing, and imposition of the fee in lieu of tax and certain other fees payable on certain boats and other watercraft, snowmobiles, off-highway vehicles, travel trailers and

certain other trailers, and motorcycles and quadricycles; eliminates the fee in lieu of tax on certain watercraft; eliminates the registration of and various fees payable on campers; increases fees for annually registered motor vehicles.

- a. Amends sections 15-1-122, 15-16-202, 23-2-502, 23-2-510, 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-515, 23-2-516, 23-2-517, 23-2-518, 23-2-519, 23-2-601, 23-2-612, 23-2-614, 23-2-616, 23-2-617, 23-2-626, 23-2-642, 23-2-803, 23-2-804, 23-2-807, 23-2-809, 23-2-817, 61-1-129, 61-3-303, 61-3-311, 61-3-312, 61-3-313, 61-3-317, 61-3-321, 61-3-332, 61-3-333, 61-3-463, 61-3-474, 61-3-521, 61-3-523, 61-3-526, 61-3-527, 61-3-530, 61-3-535, 61-3-560, and 61-3-570, MCA.
- b. Repeals sections 23-2-520, 23-2-618, 23-2-620, 23-2-810, 61-3-519, 61-3-524, 61-3-525, and 61-3-606, MCA.
- c. Effective January 1, 2004.
- d. Applies to vehicles and vessels registered on or after January 1, 2004.

12. **House Bill No. 767 (Ch. 533) - Brueggeman.** Revises motor vehicle and driving record laws; provides for special motorcycle license plates; establishes a fee for the special motorcycle license plates and requires that the proceeds be used for grants to nonprofit organizations identified in rules adopted by the Department of Justice; statutorily appropriates the fee proceeds to the Department of Justice; revises laws governing the release of information from driving records by the Department of Justice, the kind of information that may be released, and the fees that may be charged.

- a. Amends sections 17-7-502, 61-11-105, 61-11-503, 61-11-509, and 61-11-510, MCA.
- b. Enacts section 61-3-415, MCA.
- c. Effective dates: Except for Section 1 (61-3-415), which is effective January 1, 2004, the act is effective July 1, 2003.

13. **Senate Bill No. 65 (Ch. 399) - Roush.** Revises veterans' benefit laws; revises the property tax exemption, vehicle registration fee, and special license plates provisions for eligible veterans and their surviving spouses; revises income thresholds for the veteran property tax exemption; amends language related to disabled veterans entitled to receive compensation from the U.S. Department of Veterans' Affairs at the 100 percent disability rate; clarifies and simplifies provisions on the vehicle registration fee waivers and special license plate provisions available to eligible veterans and their surviving spouses; extends vehicle registration fee waivers to the spouses of veterans who were killed while on active duty or who died as a result of a service-connected disability; clarifies special parking privileges associated with disabled veterans.

- a. Amends sections 15-1-121, 15-1-122, 15-6-211, 49-4-301, 49-4-302, 49-4-304, 61-3-313, 61-3-321, 61-3-332, 61-3-407, 61-3-426, 61-3-455, and 61-3-560, MCA.

- b. Repeals sections 61-3-452, 61-3-453, 61-3-454, and 61-3-457, MCA.
  - c. Enacting sections 61-3-458, 61-3-459, and 61-3-460, MCA.
  - d. Effective January 1, 2004.
14. **Senate Bill No. 118 (Ch. 280) - DePratu.** Revises the laws governing license plates; prohibits, with exceptions, the display of prior designs of number plates or certain special license plates after issuance of a new design; delays the new issue of number plates until 2006; increases license plate fees; revises the reporting requirements pertaining to holders of amateur radio operator license plates; revises the requirements governing qualification, issuance, and renewal of generic specialty license plates; allows collection and disbursement of sponsor donation fees by county treasurers and the Department of Revenue; expands the vehicle types eligible for generic specialty license plates; makes the Montana generic specialty license plate act permanent; clarifies special license plate types that may be used to permanently register a vehicle.
- a. Amends sections 61-3-301, 61-3-321, 61-3-332, 61-3-333, 61-3-424, 61-3-465, 61-3-473, 61-3-474, 61-3-475, 61-3-476, 61-3-477, 61-3-478, 61-3-479, 61-3-480, 61-3-481, and 61-3-562, MCA.
  - b. Repeals section 21, chapter 402, laws of 2001.
  - c. Effective dates:
    - i. Sections 3, 5, 9, 11, 12, and 19 (61-3-332, 61-3-424, 61-3-475, 61-3-477, 61-3-478, MCA and Applicability section) are effective April 10, 2003.
    - ii. Section 1 (61-3-301, MCA), regarding display of a prior design of number plates and defining "conspicuously displayed", is effective October 1, 2003.
    - iii. Sections 2, 4, and 6 (61-3-321, 61-3-333, and 61-3-465, MCA), regarding registration fees, are effective January 1, 2004.
    - iv. The remainder of the act is effective July 1, 2003.
  - d. Applicability:
    - i. Sections 2, 4, and 6 apply to the registration of motor vehicles and the display of license plates issued after December 31, 2003.
    - ii. Sections 7, 8, and 13 through 16 apply to the registration of motor vehicles and the display of license plates issued after June 30, 2003.
    - iii. Sections 3, 5, 9, 11, and 12, regarding sponsorship of generic specialty license plates, apply to applications for sponsorship submitted to the Department of Justice on or after April 10, 2003.

## **JUNK VEHICLES, ABANDONED VEHICLES & TOW TRUCKS**

- 1. **House Bill No. 635 (Ch. 176) - Forrester.** Revises laws relating to abandoned, wrecked, and disabled vehicles; allows certain abandoned vehicles to be disposed of in the same manner as junk vehicles; permits a qualified tow truck operator to obtain a certificate of release and a

certificate of ownership for certain abandoned vehicles; permits a qualified operator to obtain a certificate of ownership for certain wrecked or damaged vehicles.

- a. Amends sections 61-12-402, 61-12-404, 61-12-405, and 61-12-406, MCA.
- b. Enacts section 61-8-913, MCA.
- c. Effective October 1, 2003.

2. **House Bill No. 636 (Ch. 88) - Forrester.** Revises laws governing tow trucks and the tow truck law enforcement rotation system; establishes certification requirements for tow truck operators to qualify for participation in the tow truck law enforcement rotation system; provides definitions; identifies manufacturer's boom ratings for tow truck classification; requires the establishment of the tow truck complaint resolution committee and assigns responsibilities to the committee; specifies the amount of insurance a commercial tow truck operator must carry; requires that proof of insurance be sent to the Public Service Commission; establishes requirements for a tow truck operator's fenced lot; allows the Highway Patrol to charge a fee for the inspection decal; specifies the kind of information that qualified tow truck operators must provide; establishes the procedure for multiple tow truck operators to be on a rotation list from a single storage or impoundment facility; allows only one tow truck operation for each owner to be placed on a rotation list; establishes requirements for satellite tow truck operations; requires local law enforcement agencies to comply with the rotation system provisions; requires that lists of rotation system calls be made available.

- a. Amends sections 61-8-903, 61-8-904, 61-8-905, 61-8-906, 61-8-907, 61-8-908, 61-8-910, and 69-12-102, MCA.
- b. Enacts section 61-8-912, MCA.
- c. Effective October 1, 2003.

3. **Senate Bill No. 107 (Ch. 200) - Roush.** Increases the yearly payment to a county for its junk vehicle collection and graveyard budget from \$1 to \$1.25 for each motor vehicle under 8,001 pounds gross vehicle weight; increases the total payment to counties with fewer than 5,000 motor vehicles under 8,001 pounds gross vehicle weight from \$5,000 to \$6,250.

- a. Amends section 75-10-534, MCA.
- b. Effective July 1, 2003.

4. **Senate Bill No. 211 (Ch. 281) - Hansen.** Eliminates the junk vehicle disposal fee.

- a. Amends sections 75-10-513 and 75-10-532, MCA.
- b. Effective April 10, 2003.

## **VEHICLE SIZE, WEIGHT, LOAD & GVW FEES**

1. **House Bill No. 80 (Ch. 55) - Jackson.** Allows the reduced farm rate GVW fee to be applicable to vehicles hauling timber harvested on a ranch, farm, orchard, or dairy to market.

- a. Amends section 61-10-206, MCA.
  - b. Effective February 28, 2003.
2. **House Bill No. 445 (Ch. 285) - Pattison.** Provides that a Rocky Mountain double carrying baled hay may not exceed 88 feet of combined trailer length.
  - a. Amends section 61-10-124, MCA.
  - b. Effective April 11, 2003.
  - c. Contingent voidness: The act is void if the Department of Transportation receives notice that the increase in the combined trailer length that is allowed for a Rocky Mountain double carrying baled hay will threaten federal highway funding.
3. **House Bill No. 591 (Ch. 311) - Fuchs.** Provides for term permit fees for certain overweight vehicle loads.
  - a. Amends section 61-10-125, MCA.
  - b. Effective October 1, 2003.

## HAZARDOUS WASTE TRANSPORT

1. **House Bill No. 218 (Ch. 560) - Bookout-Reinicke.** Requires that the owner of high-level radioactive waste or transuranic waste pay fees, submit a safety plan, and obtain a permit before shipping the waste through Montana; defines terms; creates the radioactive waste transportation monitoring, emergency response, and training account in the state special revenue fund; specifies how money in the account must be used; requires that initial notice of shipments be provided to the Disaster and Emergency Services Division of the Department of Military Affairs and to the Department of Transportation; requires that the Disaster and Emergency Services Division notify certain other agencies and persons when it is informed that waste will be routed through Montana; provides responsibilities for owners; requires the Department of Transportation to collect the fees and issue permits; requires inspections; requires that the permit remain with the transporter of waste as it travels through the state; requires the Highway Patrol to monitor or escort motor carriers that are carrying the waste; provides for the coordination of inspections of motor carriers; allows the Highway Patrol to be reimbursed for costs incurred in monitoring or escorting the motor carriers; specifies that the Public Service Commission is responsible for inspecting rails or trains that will be involved in carrying the waste; provides certain recommendations for transport of the waste; allows the Public Service Commission to enter into reciprocal agreements with adjacent states and Canadian provinces for inspection; requires the Public Service Commission to establish rules for carrying out these provisions; assigns liability; provides a penalty.
  - a. Enacts sections 10-3-1301 through 10-3-1310, MCA.
  - b. Effective January 1, 2004.

## MISCELLANEOUS

*MDT Administration, motor vehicle warranty and leasing, eminent domain, airports, motor vehicle dealers, highway designation, gasohol, motor vehicle computer system account fund transfers*

1. **House Bill No. 30 (Ch. 168) - Hurwitz.** Authorizes the Department of Transportation to permit the installation of electronic communication equipment and electronic informational kiosks on a highway right-of-way, including a controlled-access facility; allows the Department to set terms and conditions for the equipment or kiosks; allows a fee and provides for the deposit of the fee.
  - a. Amends section 60-5-110, MCA.
  - b. Effective October 1, 2003.
2. **House Bill No 71 (Ch. 111) - Waitschies.** Eliminates the termination date on the Department of Transportation's authority to stop and inspect diesel-powered vehicles suspected of illegally using dyed fuel.
  - a. Repeals Section 2, chapter 206, Laws of 2001.
  - b. Effective March 25, 2003.
3. **House Bill No. 385 (Ch. 360) - Fritz.** Provides that Montana new motor vehicle warranty laws ("lemon laws") apply to motor vehicles registered in this state in addition to motor vehicles sold in this state; includes motorcycles as vehicles covered by registration; substitutes selection of an arbitrator for selection of an arbitration panel and decreases the number of arbitrators from three to one.
  - a. Amends sections 61-4-501, 61-4-516, 61-4-518, and 61-4-519, MCA.
  - b. Effective October 1, 2003.
4. **House Bill No. 480 (Ch. 364) - Steinbeisser.** Increases the penalties for certain violations regarding motor vehicle accidents; increases the rate at which fines may be commuted by jail time.
  - a. Amends section 61-7-118, MCA.
  - b. Effective October 1, 2003.
5. **House Bill No. 517 (Ch. 476) - Wilson.** Clarifies that a city or county may impose mill levies for airports even if the airport or airport authority has not made a levy request in the prior 2 years.

- a. Amends section 15-10-420, MCA.
  - b. Effective April 24, 2003.
6. **House Bill No. 583 (Ch. 219) - R. Brown.** Authorizes a county and a municipality to establish a transportation improvement authority.
- a. Enacts sections 7-14-1001 through 7-14-1007, MCA.
  - b. Effective October 1, 2003.
7. **House Bill No. 602 (Ch. 328) - Galvin-Halcro.** Requires development of a leasing preference guideline that encourages cost-efficiency and appropriate use of state vehicles; requires a report on the preference guideline to be submitted to the Revenue and Transportation Interim Committee.
- a. Not codified.
  - b. Effective July 1, 2003.
8. **Senate Bill No. 34 (Ch. 330) - Barkus.** Authorizes the Department of Transportation to implement an expedited acquisition process for acquiring property under certain conditions.
- a. Amends sections 60-4-104, 70-30-302, and 70-30-311, MCA.
  - b. Effective April 15, 2003.
  - c. Applicable to actions initiated on or after April 15, 2003.
9. **Senate Bill No. 83 (Ch. 192) - McGee.** Authorizes the Department of Transportation to establish a design-build contracting pilot program; sets a cap on the total cost of projects that may be authorized under the program; requires the Department to report on the program to the Governor and the 2009 Legislature; creates a design-build contracting board; provides the procedure for prospective contractors to submit a proposal.
- a. Amends sections 18-8-204, 18-8-205, 60-2-111, and 60-2-112, MCA.
  - b. Enacts sections 60-2-134 through 60-2-137, MCA.
  - c. Effective April 1, 2003.
10. **Senate Bill No. 102 (Ch. 167) - McNutt.** Increases to 40 years from 10 years the allowable length of time that the Department of Transportation may lease airports or similar property.
- a. Amends section 67-2-302, MCA.
  - b. Effective October 1, 2003.
11. **Senate Bill No. 241 (Ch. 335) - Shea.** Defines "dealer", "motor vehicle", and "new motor vehicle" for the purposes of sections 61-4-131 through 61-4-137, 61-4-141, and 61-4-150, MCA, in order to provide that the right of a designated family member to succeed in the ownership or operation of a new motor vehicle dealership includes personal watercraft, snowmobile, and off-highway vehicles and in order to provide that a manufacturer's right of first refusal and a dealer's rights with respect to the sale, transfer, or exchange of a dealership apply



- to personal watercraft, snowmobile, and off-highway vehicles.
- a. Amends section 61-4-131, MCA.
  - b. Effective October 1, 2003.
12. **Senate Bill No. 413 (Ch. 256) - Kitzenberg.** Names U.S. Highway 2 as the 163rd Infantry Regiment (Sunset Division) Heritage Highway.
- a. Enacts section 60-1-209, MCA.
  - b. Effective October 1, 2003.
13. **Senate Bill No. 414 (Ch. 535) - Pease.** Provides an extended schedule for applicants to comply with the incentive program for production of gasohol.
- a. Amends section 15-70-522, MCA.
  - b. Effective April 29, 2003.
14. **Senate Bill No. 489 (Ch. 538) - Elliott.** Designates U.S. Interstate highways in Montana as the "Purple Heart Trail".
- a. Amends section 60-2-242, MCA.
  - b. Enacts section 60-1-210, MCA.
  - c. Effective October 1, 2003.
15. **Senate Bill No. 493 (Ch. 610) - Keenan.** Revises the authorized use of the motor vehicle information technology system account; authorizing transfers of up to \$3.7 million from the account to the general fund.
- a. Amends section 61-3-550, MCA.
  - b. Effective July 1, 2003.
  - c. Terminates June 30, 2005.

**SUMMARY OF TRANSPORTATION LEGISLATION  
ENACTED DURING THE  
2003 LEGISLATIVE SESSION**

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