

HOUSE BILL NO. 314

INTRODUCED BY D. GALLIK

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A PERSON APPLYING FOR MOTOR VEHICLE REGISTRATION DISPLAY TO THE COUNTY TREASURER A VALID MONTANA DRIVER'S LICENSE AND PROOF OF INSURANCE; ESTABLISHING THE UNINSURED MOTORIST IDENTIFICATION PROGRAM; REQUIRING THE DEPARTMENT OF JUSTICE TO CONTRACT WITH A PRIVATE ENTITY TO OPERATE THE PROGRAM; DIRECTING THE DEPARTMENT OF JUSTICE TO MAKE RULES GOVERNING THE PROGRAM; PROHIBITING INFORMATION COLLECTED AS PART OF THE PROGRAM FROM BEING USED FOR ANY PURPOSE OTHER THAN WHAT IS NECESSARY FOR THE PROGRAM; AND AMENDING SECTIONS 61-3-303, 61-3-456, AND 61-3-535, MCA."

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

**Section 1.** Section 61-3-303, MCA, is amended to read:

**"61-3-303. Application for registration.** (1) Each owner of a motor vehicle operated or driven upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided in this section, file in the office of the county treasurer in the county where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned an application for registration or reregistration on a form prescribed by the department. The application must contain:

- (a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;
- (b) the name and address of the holder of any security interest in the motor vehicle;
- (c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated capacity is 1 ton or less, and type of body and, if a truck, the manufacturer's rated capacity;
- (d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and

1 semitrailers registered as provided in 61-3-711 through 61-3-733;

2 (e) a space in which the person registering the vehicle may indicate the person's desire to donate  
3 \$1 or more to promote awareness and education efforts for procurement of organ and tissue donations  
4 for anatomical gifts; and

5 (f) other information that the department may require.

6 (2) A person who files an application for registration or reregistration of a motor vehicle shall upon  
7 filing the application present to the county treasurer:

8 (a) a valid Montana driver's license, as required in 61-5-102; and

9 (b) the currently valid insurance card that verifies that the person has obtained the insurance  
10 coverage that is required under 61-6-301 and that is required to be carried in the motor vehicle pursuant  
11 to 61-6-302, a certificate of self-insurance issued under 61-6-143, or proof that the person has posted  
12 an indemnity bond with the department under 61-6-301.

13 ~~(2)~~(3) A person who files an application for registration or reregistration of a motor vehicle, except  
14 of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall upon the filing  
15 of the application pay to the county treasurer:

16 (a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

17 (b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees  
18 in lieu of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the  
19 current year of registration and the immediately previous year; and

20 (c) a donation of \$1 or more if the person has indicated on the application that the person wishes  
21 to donate to promote awareness and education efforts for procurement of organ and tissue donations in  
22 Montana to favorably impact anatomical gifts.

23 ~~(3)~~(4) The application may not be accepted by the county treasurer unless the payments required  
24 by subsection ~~(2)~~ (3) accompany the application. Except as provided in 61-3-560 through 61-3-562, the  
25 department may not assess or impose and the county treasurer may not collect taxes or fees for a period  
26 other than:

27 (a) the current year; and

28 (b) the immediately previous year if the vehicle was not registered or operated on the highways  
29 of the state, regardless of the period of time since the vehicle was previously registered or operated.

30 ~~(4)~~(5) The department may make full and complete investigation of the status of the vehicle. An

1 applicant for registration or reregistration shall submit proof from appropriate records of the proper county  
2 at the request of the department.

3 ~~(5)~~(6) Revenue that accrues from the voluntary donation provided in subsection ~~(2)(e)~~ (3)(c) must  
4 be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit  
5 of an account established by the department of public health and human services to support activities  
6 related to awareness and education efforts for procurement of organ and tissue donations for anatomical  
7 gifts."

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9 **Section 2.** Section 61-3-456, MCA, is amended to read:

10 **"61-3-456. Registration of motor vehicle owned and operated by Montana resident on active**  
11 **military duty stationed outside Montana.** (1) As an incentive for military service, an owner of a motor  
12 vehicle who is a Montana resident who entered active military duty from Montana and who is stationed  
13 outside Montana may file with the department an application for the registration of the motor vehicle. The  
14 application must be sworn to before an officer authorized to administer oaths. The application must state:

15 (a) the name and address of the owner;

16 (b) the make, the gross weight, the year and number of the model, and the manufacturer's  
17 identification number and serial number of the motor vehicle; and

18 (c) that the vehicle is owned and operated by a Montana resident who meets the qualifications  
19 of subsection (1) and is on active military duty and stationed outside Montana.

20 (2) The registration fee for a motor vehicle registered under subsection (1) is as provided in  
21 61-3-311 and 61-3-321.

22 (3) A vehicle registered under this section is not subject to:

23 (a) the taxes described in 61-3-303(2)(b);

24 (b) assessment under 15-8-202 or 61-3-503, the fee in lieu of tax under 61-3-529, or the  
25 registration fee under 61-3-560 through 61-3-562; or

26 (c) any of the fees provided in part 5 of this chapter.

27 (4) An applicant for registration under this section shall enclose with the application to the  
28 department a legible photocopy of the applicant's currently valid:

29 (a) driver's license; and

30 (b) insurance card that verifies that the person has obtained the insurance coverage that is

1 required under 61-6-301 and that is required to be carried in the motor vehicle pursuant to 61-6-302, a  
 2 certificate of self-insurance issued under 61-6-143, or proof that the person has posted an indemnity bond  
 3 with the department under 61-6-301."

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5 **Section 3.** Section 61-3-535, MCA, is amended to read:

6 **"61-3-535. Vehicle reregistration by mail -- reminder notice and reregistration notice by mail.** (1)

7 The department may allow the owner of a motor vehicle to renew the registration of a vehicle by mail  
 8 when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type  
 9 of vehicle is available to the department by electronic means.

10 (2) Any mail reregistration procedure developed by the department must:

11 (a) include a procedure to facilitate automated handling of mail reregistration or recertification; ~~and~~  
 12 ~~must~~

13 (b) provide for a written reminder notice by mail to a vehicle owner of the requirement to reregister  
 14 the owner's vehicle with the county treasurer or to apply for the annual camper decal; and

15 (c) include reasonable procedures for complying with 61-6-303.

16 (3) The department shall adopt rules to implement the mail reregistration and decal application  
 17 procedure."

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19 **NEW SECTION. Section 4. Uninsured motorist identification program -- rulemaking.** (1) There is  
 20 an uninsured motorist identification program to be administered by the department.

21 (2) The purpose of the program is to:

22 (a) verify motor vehicle owners' compliance with the provisions of 61-6-301;

23 (b) reduce the number of uninsured motor vehicles being operated in the state; and

24 (c) maximize motor vehicle owners' compliance with motor vehicle registration provisions.

25 (3) When an insurance carrier cancels a motor vehicle liability insurance policy for the reasons  
 26 provided in 33-23-211, receives notification from an owner that the owner intends to cancel a motor  
 27 vehicle liability insurance policy, or determines that the owner has not renewed the policy with the carrier,  
 28 the insurance carrier shall notify the department.

29 (4) Upon notification of a cancellation or nonrenewal, the department shall notify the owner that  
 30 the owner has 10 days to provide proof of compliance with 61-6-301 or proof of exemption from the

1 requirements of 61-6-301.

2 (5) If the owner fails to comply with the requirements in subsection (4), the department shall:

3 (a) revoke the owner's registration;

4 (b) notify the appropriate law enforcement agencies of the revocation; and

5 (c) provide to the owner:

6 (i) notice of the revocation;

7 (ii) information about the legal consequences of operating an unregistered, uninsured vehicle; and

8 (iii) instructions on how to reinstate legal registration.

9 (6) The department shall:

10 (a) contract with a private entity to establish and maintain an uninsured motorist database that  
11 records motor vehicle registration and tracks notices from insurance carriers of cancellations and  
12 nonrenewals and to perform any of the other duties assigned to the department under this section that  
13 the department determines appropriate; and

14 (b) make rules and develop procedures governing:

15 (i) establishment and maintenance of the database;

16 (ii) the kind of information to be contained in the database and the kind of information that may  
17 be released;

18 (iii) notification to appropriate law enforcement agencies upon revocation of an owner's  
19 registration;

20 (iv) the method by which an owner will be notified that the owner's registration will be revoked;

21 (v) what constitutes acceptable proof of compliance with 61-6-301; and

22 (vi) any other duty required under this section.

23 (7) Information contained in the database may not be disclosed for any purpose other than what  
24 is necessary to carry out the provisions of this section.

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26 **NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an  
27 integral part of Title 61, chapter 6, part 3, and the provisions of Title 61, chapter 6, part 3, apply to  
28 [section 4].

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