

1 HOUSE BILL NO. 620

2 INTRODUCED BY R. DEVLIN, PRICE, GALLUS

3 BY REQUEST OF THE HOUSE TRANSPORTATION STANDING COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING VETERANS ~~FROM LIGHT VEHICLE REGISTRATION~~
6 ~~FEES~~ WHO HAVE BEEN AWARDED THE PURPLE HEART AND HAVE A DEGREE OF DISABILITY ~~FROM~~
7 ~~LIGHT VEHICLE REGISTRATION FEES~~; IMPOSING A \$5 FEE FOR ORIGINAL OR RENEWAL LIGHT VEHICLE
8 REGISTRATION FOR A VETERAN WHO HAS BEEN AWARDED THE PURPLE HEART; ALLOWING A
9 SURVIVING SPOUSE TO RETAIN SPECIAL LICENSE PLATES ISSUED TO A VETERAN WHO HAS BEEN
10 AWARDED THE PURPLE HEART UPON PAYMENT OF THE REQUIRED TAXES AND FEES IN LIEU OF TAX;
11 ALLOWING THE ISSUANCE OF ONLY ONE SET OF SPECIAL LICENSE PLATES TO A VETERAN WHO HAS
12 BEEN AWARDED THE PURPLE HEART; ALLOWING A VETERAN WHO HAS BEEN AWARDED THE PURPLE
13 HEART AND HAS A DEGREE OF DISABILITY TO REGISTER FOR A FEE OF \$5 ONE MOTOR VEHICLE THAT
14 IS NOT USED FOR COMMERCIAL PURPOSES; PROVIDING FOR THE ISSUANCE OF PERSONALIZED
15 SPECIAL LICENSE PLATES TO A VETERAN WHO HAS BEEN AWARDED THE PURPLE HEART; ~~AND~~
16 AMENDING SECTIONS 49-4-302, 61-3-332, 61-3-452, 61-3-453, 61-3-454, AND 61-3-560, MCA; AND
17 PROVIDING A DELAYED EFFECTIVE DATE."

18

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

20

21 **Section 1.** Section 49-4-302, MCA, is amended to read:

22 **"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time**
23 **limits -- requirements for special parking spaces.** (1) The parking permit issued under this part, when
24 displayed, entitles a person to park a motor vehicle in a special parking space reserved for a person with
25 a disability, whether on public property or on private property available for public use, when the person
26 for whom the permit was issued is using the special parking space to enter or exit the vehicle.

27 (2) A vehicle may not be parked in a parking space on public or private property that is clearly
28 identified by an official sign as being reserved for use by a person with a disability unless:

29 (a) the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license
30 plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking

1 privileges similar to those conferred in subsection (1), or a specially inscribed license plate displaying the
2 letters "DV" issued under 61-3-332(10)(c)(i)(A) or (10)(g) or 61-3-426(2); and

3 (b) the reserved parking space is being used by the person for whom the permit, plate, or placard
4 was issued to enter or exit the vehicle.

5 (3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking
6 permits issued under this part and vehicles lawfully displaying specially inscribed license plates displaying
7 the letters "DV" issued under 61-3-332(10)(c)(i)(A) or (10)(g) or 61-3-426(2) and parked in public places
8 along public streets from any time limitation imposed upon parking, except in areas where:

9 (a) stopping, standing, or parking of all vehicles is prohibited;

10 (b) only special vehicles may be parked; or

11 (c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

12 (4) In accordance with subsection (2), the governing body of a city, town, or county or appropriate
13 state agency may impose all, but not less than all, of the following requirements with respect to any
14 special parking space constructed after September 30, 1985, and reserved for a person with a disability
15 or a permitholder on ways of this state open to the public, as defined in 61-8-101:

16 (a) The space must be located on a smooth, level surface as near as practicable to building
17 entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to
18 accommodate wheelchairs.

19 (b) If parallel to curbside, the parking space must be separated from an adjacent space, either in
20 the front or the rear, by at least 5 feet of striped no-parking area.

21 (c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of
22 obstruction if located at the end of a line of angle parking spaces, and each other angle parking space
23 designated for a person with a disability must be at least 13 feet wide.

24 (d) A parking space reserved for a person with a disability must be designated by a sign showing
25 the international symbol of accessibility, indicating that a permit is required, and stating the penalty for
26 a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must
27 have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in
28 a way that it is not obscured by a vehicle parked in the space."

29

30 **Section 2.** Section 61-3-332, MCA, is amended to read:

1 **"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of
2 Montana must display both front and rear number plates, bearing the distinctive number assigned to the
3 vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor
4 vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles
5 of the motorcycle or quadricycle type that bears the distinctive letters "MCD" or the letters "MC" and the
6 word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and
7 used motorcars (including trucks and trailers) that bears the distinctive letter "D" or the word "DEALER",
8 one for dealers in used motorcars only (including used trucks and trailers) that bears the distinctive letters
9 "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used)
10 that bears the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in
11 recreational vehicles that bears the distinctive letters "RV" or the letter "R" and the word "DEALER", and
12 one for special license plates. All markings for the various kinds of dealers' plates must be placed on the
13 number plates assigned to the dealer, in the position that the department designates.

14 (2) (a) All number plates for motor vehicles must be issued for a maximum period of 4 years, bear
15 a distinctive marking, and be furnished by the state. In years when number plates are not issued, the
16 department shall provide nonremovable stickers bearing appropriate registration numbers that must be
17 affixed to the license plates in use.

18 (b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-562, the
19 department shall provide distinctive nonremovable stickers indicating that the vehicle is permanently
20 registered. The stickers must be affixed to the license plates in use.

21 (3) (a) Subject to the provisions of this section, the department shall create a new design for
22 number plates as provided in this section, and it shall manufacture the newly designed number plates for
23 issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number
24 plates that were displayed on motor vehicles before that date.

25 (b) Beginning January 1, 2000, the department shall manufacture and issue new number plates
26 every 4 years.

27 (4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in
28 length. The outline of the state of Montana must be used as a distinctive border on the license plates, and
29 the word "Montana" and the year must be placed across the plates. Registration plates must be treated
30 with a reflectorized background material according to specifications prescribed by the department.

1 (5) The distinctive registration numbers must begin with a number one or with a letter-number
2 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The
3 distinctive registration number or letter-number combination assigned to the vehicle must appear on the
4 plate preceded by the number of the county and appearing in horizontal order on the same horizontal
5 baseline. The county number must be separated from the distinctive registration number by a separation
6 mark unless a letter-number combination is used. The dimensions of the numerals and letters must be
7 determined by the department, and all county and registration numbers must be of equal height.

8 (6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration
9 fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must
10 bear the following distinctive markings:

11 (a) For vehicles owned by the state, the department may designate the prefix number for the
12 various state departments. All numbered plates issued to state departments must bear the words "State
13 Owned", and a year number may not be indicated on the plates because these numbered plates are of a
14 permanent nature and will be replaced by the department only when the physical condition of numbered
15 plates requires it.

16 (b) For vehicles that are owned by the counties, municipalities, and special districts, as defined
17 in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and
18 operated by officials and employees in the line of duty and for vehicles on loan from the United States
19 government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials
20 and employees in the line of duty, there must be placed on the number plates assigned, in a position that
21 the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for
22 plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and
23 special districts that obtain plates within each county must begin with number one and be numbered
24 consecutively. Because these number plates are of a permanent nature, they are subject to replacement
25 by the department only when the physical condition of the number plates requires it and a year number
26 may not be displayed on the number plates.

27 (7) On all number plates assigned to motor vehicles of the truck and trailer type, other than
28 tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on
29 plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and
30 housetrailers. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the

1 motorcycle or quadricycle type.

2 (8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or
3 quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or
4 quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number
5 plate under 61-3-317 and 61-3-335.

6 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as
7 follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead,
8 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15;
9 Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22;
10 Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer
11 Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels,
12 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44;
13 Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52;
14 Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers
15 by the department as they may be formed, beginning with the number 57.

16 (10) Each type of special license plate approved by the legislature, except collegiate license plates
17 authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5),
18 except that the county number must be replaced by a nonremovable design or decal designating the group
19 or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the
20 special plates are subject to the same rules and laws as govern the issuance of regular license plates, must
21 be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be
22 removed upon sale or other disposition of the vehicle. The special license plates must be issued to national
23 guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors
24 of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor
25 members, or veterans of the armed services who were awarded the purple heart medal, who comply with
26 the following provisions:

27 (a) (i) An active member of the Montana national guard may be issued special license plates with
28 a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of
29 the Montana national guard a certificate authorizing the department to issue national guard plates,
30 numbered in sets of two with a different number on each set, and the member shall surrender the plates

1 to the department upon becoming ineligible to use them.

2 (ii) The department may issue national guard veteran plates, bearing a design or decal displaying
3 the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two
4 with a different number on each set, to an applicant who presents to the department a copy of certification
5 of national guard retirement eligibility issued by the appropriate authorities for the applicant or the
6 applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of
7 this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in
8 accordance with the provisions of subsection (10)(f)(iii) and (10)(f)(iv).

9 (b) An active member of the reserve armed forces of the United States of America who is a
10 resident of this state may be issued special license plates with a design or decal displaying the following:
11 United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force
12 reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding
13 officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a
14 certificate authorizing the issuance of special license plates, numbered in sets of two with a different
15 number on each set. The member shall surrender the plates to the department upon becoming ineligible
16 to use them.

17 (c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who
18 has been awarded the purple heart and is 50% or more disabled because of an injury that has been
19 determined by the department of veterans affairs to be service-connected or who is 100% disabled
20 because of an injury that has been determined by the department of veterans affairs to be
21 service-connected may, upon presentation to the department of documentation required in subsection
22 (10)(f)(i) and proof of the ~~100%~~ required disability, be issued:

23 (A) a special license plate under this section with the purple heart decal or a design or decal
24 displaying the letters "DV"; or

25 (B) one set of any other military-related plates that the 50% or more disabled veteran who has
26 been awarded the purple heart or the disabled veteran is eligible to receive under this section.

27 (ii) The fee for original or renewal registration by a 100% disabled veteran for a ~~passenger vehicle~~
28 ~~or a truck with a GVW-rated capacity of 1 ton or less~~ light vehicle MOTOR VEHICLE, AS DEFINED IN 61-1-102,
29 THAT IS NOT USED FOR COMMERCIAL PURPOSES is \$5 and is in lieu of all other fees and taxes for that vehicle
30 under this chapter.

1 (iii) The fee for original or renewal registration for a ~~light vehicle~~ MOTOR VEHICLE, AS DEFINED IN
2 61-1-102, THAT IS NOT USED FOR COMMERCIAL PURPOSES by a 50% or more disabled veteran who has been
3 awarded the purple heart and who meets the criteria in subsection (10)(c)(i) is \$5 and is in lieu of other
4 taxes and fees for that vehicle under this chapter, except for the \$10 fee required in subsection (10)(f)(iii),
5 regardless of which set of military license plates the veteran is eligible to receive and chooses to display
6 under subsection (10)(c)(i). Special license plates issued to a 50% or more disabled veteran who has been
7 awarded the purple heart under subsection (10)(c) may be retained by a surviving spouse, subject to
8 payment of all taxes and fees required under parts 3 and 4 of this chapter as provided in subsection
9 (10)(f)(iii).

10 ~~(iii)~~(iv) Special license plates issued to a disabled veteran and, except as provided in subsection
11 (10)(c)(iii), to a 50% or more disabled veteran who has been awarded the purple heart are not transferable
12 to another person.

13 ~~(iv)~~(v) A 50% or more disabled veteran who has been awarded the purple heart or a disabled
14 veteran is not entitled to a special ~~disabled veteran's~~ license plate for more than one vehicle.

15 ~~(v)~~(vi) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100%
16 disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this
17 title.

18 (d) A Montana resident who is a veteran of the armed forces of the United States and was
19 captured and held prisoner by a military force of a foreign nation, documented by the veteran's service
20 record, may upon application and presentation of proof be issued special license plates, numbered in sets
21 of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of
22 war" or an abbreviation that the department considers appropriate.

23 (i) Fees required under 61-3-321(1) and (5) may not be assessed upon one set of license plates
24 issued to an ex-prisoner of war under this subsection (10)(d).

25 (ii) A special license plate fee may not be assessed upon one set of special license plates issued
26 to an ex-prisoner of war under this subsection (10)(d).

27 (iii) An ex-prisoner of war is exempt from the ~~light vehicle taxes imposed under 61-3-504~~
28 registration fees imposed under 61-3-560 through 61-3-562 for one vehicle that displays a set of
29 ex-prisoner of war license plates.

30 (iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have

1 been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

2 (e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees
3 required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the
4 applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana
5 resident who is a veteran of the armed services of the United States special license plates, numbered in
6 sets of two with a different number on each set, designed to indicate that the applicant is a survivor of
7 the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7,
8 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time)
9 at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received
10 an honorable discharge from the United States armed forces. If special license plates issued under
11 subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled
12 to replacement plates upon request and without charge.

13 (f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of
14 a veteran of the armed services of the United States may be issued license plates inscribed as provided
15 in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable
16 circumstances or was awarded the purple heart medal:

17 (i) Upon submission of a department of defense form 214(DD-214) or its successor or documents
18 showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant
19 documents to show an applicant's qualification under this subsection, there must be issued to the
20 applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets
21 of two with a different number on each set. The plates must display:

22 (A) the word "VETERAN" and a symbol signifying the United States army, United States navy,
23 United States air force, United States marine corps, or United States coast guard, according to the record
24 of service verified in the application; or

25 (B) a symbol representing the purple heart medal.

26 (ii) Plates must be furnished by the department to the county treasurer, who shall issue them to
27 a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the
28 vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be
29 removed upon sale or other disposition of the vehicle.

30 (iii) Except as provided for 100% disabled veterans and ex-prisoners of war in subsections (10)(c)

1 and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f)
 2 is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special
 3 veteran's or purple heart medal license plate fee of \$10. Upon an original application for a license under
 4 this subsection (10)(f), the county treasurer shall:

5 (A) deposit \$3 of the special fee in the county general fund;

6 (B) remit \$1 for deposit in the state general fund; and

7 (C) deposit the remainder of the special fee in the state special revenue account established in
 8 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

9 (iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the
 10 special fee as provided in subsection (10)(f)(iii)(C).

11 (g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may,
 12 upon written application on a form prescribed by the department, be issued a special license plate with
 13 a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

14 (h) The department may issue legion of valor license plates, bearing a design or decal depicting
 15 the recognized legion of valor medallion and numbered in sets of two with a different number on each set,
 16 to an applicant who presents to the department proper documentation of receipt of a legion of valor award
 17 by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and
 18 fees required by parts 3 and 5 of this chapter.

19 (11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is
 20 registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711
 21 through 61-3-733."

22

23 **Section 3.** Section 61-3-452, MCA, is amended to read:

24 **"61-3-452. Disabled veterans' plates nontransferable.** The special license plates for 100%
 25 disabled veterans issued pursuant to 61-3-332(10)(c)(i)(A) or 61-3-426(2) are not transferable."

26

27 **Section 4.** Section 61-3-453, MCA, is amended to read:

28 **"61-3-453. ~~Disabled veterans~~ Disabled veterans who have been awarded purple heart and**
 29 **disabled veterans -- plates limited to one automobile or truck -- personalized plates.** (1) A 50% or more
 30 disabled veteran who has been awarded the purple heart or a disabled veteran is not entitled to special

1 license plates for disabled veterans under 61-3-332(10)(c)(i)(A) or 61-3-426(2) for ~~more than~~ ONLY one
 2 passenger automobile or one truck up to and including 1 ton GVW-rated capacity light vehicle MOTOR
 3 VEHICLE, AS DEFINED IN 61-1-102, AS LONG AS THAT VEHICLE IS NOT USED FOR COMMERCIAL PURPOSES.

4 (2) Upon submitting the application provided for in 61-3-405 and payment of the \$25 fee provided
 5 for in 61-3-406, a 50% or more disabled veteran who has been awarded the purple heart or a disabled
 6 veteran must receive personalized ~~disabled veteran~~ license plates."

7

8 **Section 5.** Section 61-3-454, MCA, is amended to read:

9 **"61-3-454. Special parking privilege.** A vehicle lawfully displaying specially inscribed license plates
 10 displaying the letters "DV" issued under 61-3-332(10)(c)(i)(A) or 61-3-426(2) and conveying a 100%
 11 disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under
 12 49-4-302."

13

14 **Section 6.** Section 61-3-560, MCA, is amended to read:

15 **"61-3-560. Light vehicle registration fee -- exemptions -- 24-month registration.** (1) Except as
 16 provided in subsection (2), there is a registration fee imposed on light vehicles. The registration fee is in
 17 addition to other annual registration fees.

18 (2) (a) Light vehicles that meet the description of property exempt from taxation under
 19 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except
 20 as provided in 61-3-520, are exempt from the fee imposed in subsection (1).

21 (b) A motor vehicle owned by a 100% disabled veteran or by a 50% or more disabled veteran who
 22 has been awarded the purple heart qualifying for special license plates under 61-3-332(10) or a motor
 23 vehicle registered under 61-3-456 is exempt from the fee imposed by this section.

24 (c) A dealer for light vehicles is not required to pay the registration fee for light vehicles that
 25 constitute inventory of the dealership and that are reported under 61-3-501.

26 (3) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 may
 27 register the light vehicle for a period not to exceed 24 months. The application for registration or
 28 reregistration must be accompanied by the registration fee and all other fees required in this chapter for
 29 each 12-month period of the 24-month period. However, the registration fees required under
 30 61-3-321(1)(a) or (1)(b) paid at the time of registration or reregistration apply for the entire 24-month

1 registration period."

2

3 NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JANUARY 1, 2002.

4 - END -