

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DESIGN, MANUFACTURE, AND ISSUANCE  
5 OF OPEN-SPACE LICENSE PLATES; PROVIDING FOR DISPOSITION OF THE PROCEEDS FROM THE SALE  
6 OF THE PLATES; AMENDING SECTIONS 61-3-332, 61-3-403, AND 61-3-446, MCA; AND PROVIDING  
7 A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

8

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

10

11 NEW SECTION. **Section 1. Short title -- eligibility.** (1) [Sections 1 through 4] may be cited as the  
12 "Open-Space License Plate Act".

13 (2) Open-space license plates are available only to the residents of a county that has approved  
14 the issuance of general obligation bonds for the purpose of preserving open space.

15

16 NEW SECTION. **Section 2. Open-space license plates.** (1) The department shall:

17 (a) design, manufacture, and issue open-space license plates, as provided in [sections 3 and 4]  
18 and subject to the requirements in 61-3-332(4);

19 (b) prescribe the color and design of the open-space license plates after consultation with a design  
20 committee from the county;

21 (c) use a numbering system for open-space license plates that is distinctive from the numbering  
22 system required under 61-3-332 or used for collegiate plates; and

23 (d) provide nonremovable stickers bearing the appropriate county designation as provided in  
24 61-3-332. The stickers must be affixed to the license plates in use in accordance with the instructions  
25 provided by the department.

26 (2) (a) Except as provided in subsection (2)(b), the county shall pay a \$1,200 fee to reimburse the  
27 department for the initial costs incurred in producing the open-space license plates for the county.

28 (b) In lieu of the fee required in subsection (2)(a), a minimum of 400 open-space license plates  
29 must be ordered and prepaid before the open-space license plates may be manufactured and issued.

30

1            **NEW SECTION. Section 3. Application -- issuance -- fees -- disposition.** (1) An applicant for new  
2 or renewal open-space license plates shall apply on the form and by the date that the department requires.

3            (2) Subject to subsection (6), the department shall issue new open-space license plates upon the  
4 receipt of an application that shows:

5            (a) compliance with 61-3-303, 61-3-311, and 61-3-312; and

6            (b) payment to the county treasurer of \$30 for the original purchase of the plates.

7            (3) Upon receipt of an original application for open-space license plates and payment of the \$30  
8 fee, the county treasurer shall:

9            (a) deposit \$2 in the county general fund;

10           (b) deposit \$25 in the county open-space fund; and

11           (c) remit \$3 for deposit in the state general fund.

12           (4) (a) The department shall issue renewal open-space license plates upon the receipt of an  
13 application that shows compliance with 61-3-303, 61-3-311, and 61-3-312 and payment to the county  
14 treasurer of a \$25 renewal fee.

15           (b) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the  
16 \$25 renewal fee in the county open-space fund.

17           (5) Unless otherwise specifically exempted, the open-space license plates are subject to the same  
18 rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle  
19 owned by the person who is eligible to receive them, and must be removed upon sale or other disposition  
20 of the vehicle.

21           (6) A person who receives and renews open-space license plates under this section is liable for  
22 payment of all taxes and fees required under parts 3, 4, and 5 of this chapter in addition to the fees  
23 required under subsections (3) and (4).

24

25           **NEW SECTION. Section 4. Personalized open-space license plates.** (1) Subject to the provisions  
26 of 61-3-405 and 61-3-406, an application for open-space license plates may be combined with an  
27 application for personalized license plates.

28           (2) An application for personalized open-space license plates must be made on a form supplied  
29 by the department.

30           (3) Personalized open-space license plates must be the distinctive color and design as provided

1 in [section 2].

2

3 **Section 5.** Section 61-3-332, MCA, is amended to read:

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

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

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

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

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

30 (4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in

1 length. ~~The~~ Except for open-space license plates authorized in [section 2], the outline of the state of  
2 Montana must be used as a distinctive border on the license plates, and the word "Montana" and the year  
3 must be placed across the plates. Registration plates must be treated with a reflectorized background  
4 material according to specifications prescribed by the department.

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

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

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

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

1 (7) On all number plates assigned to motor vehicles of the truck and trailer type, other than  
2 tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on  
3 plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and  
4 housetrailers. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the  
5 motorcycle or quadricycle type.

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

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

20 (10) Each type of special license plate approved by the legislature, except collegiate license plates  
21 authorized in 61-3-463 and open-space license plates authorized in [section 2], must be a separate series  
22 of plates, numbered as provided in subsection (5), except that the county number must be replaced by a  
23 nonremovable design or decal designating the group or organization to which the applicant belongs. Unless  
24 otherwise specifically stated in this section, the special plates are subject to the same rules and laws as  
25 govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person  
26 who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The  
27 special license plates must be issued to national guard members, former prisoners of war, persons with  
28 disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed  
29 services, national guard veterans, legion of valor members, or veterans of the armed services who were  
30 awarded the purple heart medal, who comply with the following provisions:

1 (a) (i) An active member of the Montana national guard may be issued special license plates with  
2 a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of  
3 the Montana national guard a certificate authorizing the department to issue national guard plates,  
4 numbered in sets of two with a different number on each set, and the member shall surrender the plates  
5 to the department upon becoming ineligible to use them.

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

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

21 (c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who  
22 is 100% disabled because of an injury that has been determined by the department of veterans affairs to  
23 be service-connected may, upon presentation to the department of proof of the 100% disability, be issued:

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

26 (B) one set of any other military-related plates that the disabled veteran is eligible to receive under  
27 this section.

28 (ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle  
29 or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that  
30 vehicle under this chapter.

1 (iii) Special license plates issued to a disabled veteran are not transferable to another person.

2 (iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one  
3 vehicle.

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

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

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

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

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

18 (iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have  
19 been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

20 (e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees  
21 required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the  
22 applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana  
23 resident who is a veteran of the armed services of the United States special license plates, numbered in  
24 sets of two with a different number on each set, designed to indicate that the applicant is a survivor of  
25 the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7,  
26 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time)  
27 at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received  
28 an honorable discharge from the United States armed forces. If special license plates issued under  
29 subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled  
30 to replacement plates upon request and without charge.

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

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

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

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

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

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

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

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

24 (C) deposit the remainder of the special fee in the state special revenue account established in  
25 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

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

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

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

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

9

10 **Section 6.** Section 61-3-403, MCA, is amended to read:

11 **"61-3-403. Color and design of personalized license plates -- exception -- county designation.** (1)

12 Except as provided in 61-3-466 or in [section 4], the personalized license plates must be the same color  
 13 and design as regular passenger motor vehicle license plates and must consist of numbers or letters, or  
 14 any combination ~~thereof~~ of numbers and letters, not exceeding eight positions and not less than two  
 15 positions, provided that there are no conflicts with existing passenger, commercial, trailer, motorcycle,  
 16 quadricycle, or special license plate series under this title.

17 (2) Upon the issuance of personalized license plates or upon the reregistration of any motor vehicle  
 18 assigned personalized license plates that do not bear a county designation or no longer bear the correct  
 19 county designation, the department shall provide nonremovable stickers bearing the appropriate county  
 20 designation, which must be affixed to the license plates in use in accordance with instructions by the  
 21 department."

22

23 **Section 7.** Section 61-3-446, MCA, is amended to read:

24 **"61-3-446. Retention of special license plates.** If during a registration year the holder of special  
 25 license plates issued under 61-3-332(10) or open-space license plates issued under [sections 1 through  
 26 4] disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and may affix  
 27 them to another vehicle."

28

29 NEW SECTION. **Section 8. Coordination instruction.** If Senate Bill No. 175 and [this act] are both  
 30 passed and approved, then the introductory language in [section 10(2)] of Senate Bill No. 175, amending

1 61-3-332, must read:

2 "(2) In addition to special license plates, collegiate license plates, and open-space license plates  
3 authorized under this chapter, a separate series of number plates must be issued, in the manner specified,  
4 for each of the following vehicle or dealer types:"

5

6 NEW SECTION. **Section 9. Codification instruction.** [Sections 1 through 4] are intended to be  
7 codified as an integral part of Title 61, chapter 3, part 4, and the provisions of Title 61, chapter 3, part  
8 4, apply to [sections 1 through 4].

9

10 NEW SECTION. **Section 10. Effective date.** [This act] is effective January 1, 2002.

11

12 NEW SECTION. **Section 11. Applicability.** [This act] applies to registrations of motor vehicles  
13 occurring after December 31, 2001.

14

- END -