

HOUSE BILL NO. 139

INTRODUCED BY C. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT PROOF OF INSURANCE OR OTHER ABILITY TO PAY BE PROVIDED WHEN A MOTOR VEHICLE IS REGISTERED AND BE SHOWN UPON THE FACE OF THE CERTIFICATE OF OWNERSHIP; PROVIDING FOR REVOCATION OF REGISTRATION WHEN TERMINATED INSURANCE IS NOT REPLACED; IMPOSING AN ADDITIONAL FEE OF \$75 FOR A NEW APPLICATION FOR REGISTRATION AFTER REVOCATION; AND AMENDING SECTIONS 61-3-202 AND 61-3-303, MCA."

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

Section 1. Section 61-3-202, MCA, is amended to read:

"61-3-202. Certificate of ownership -- issuance -- contents -- joint ownership -- inspection -- fees.

(1) Upon completion of the application for certificate of ownership, on forms furnished by the department, the county treasurer shall forward one copy of the application to the department, which shall enter the information contained in the application upon the corresponding records of its office and, except as provided in 61-3-103(1) and 61-3-201(2) concerning applications by creditors or secured parties, shall furnish the applicant a certificate of ownership subject to the provisions of 61-3-103.

(2) The certificate of ownership ~~shall~~ must contain upon the face ~~thereof~~ of the certificate:

(a) the date issued;

(b) the name and mailing and residence address of the owner or the names and addresses of joint owners;

(c) except as provided in 61-3-103, the name and complete address of any holder of a perfected security interest in the registered vehicle;

(d) a description of the registered vehicle, including the year built and vehicle identification number;

(e) except as provided in 61-3-103, the filing date of any lien against ~~such~~ the motor vehicle; ~~and~~

(f) the name, address, and telephone number of the insurer through which the insurance requirement of 61-6-301 has been satisfied or a statement that the owner has posted an indemnity bond with the department or has been issued a certificate of self-insurance as allowed under 61-6-301; and

1 ~~(f)(g) such any~~ other statement of facts ~~as may be determined~~ required by the department.

2 (3) When the names and addresses of more than one owner who are members of the same immediate
3 family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in
4 common, is presumed.

5 (4) Upon receipt of the application, the department shall recheck the application. If there is any error
6 in the application, it may be returned to the owner or to the county treasurer ~~to who shall~~ effectively secure the
7 correction of ~~such the~~ error, ~~who shall~~ and return the ~~same~~ application to the department.

8 (5) The certificate of ownership ~~shall~~ must contain a notice to the department of a transfer of interest
9 of the owner and ~~such any~~ other statements ~~as may be determined~~ required by the department.

10 (6) A salvage vehicle for which a certificate of ownership is sought must be inspected for the vehicle
11 identification number to authenticate the identity of the vehicle before a certificate of ownership can be issued.
12 The inspection may not attest to the roadworthiness or safety condition of the vehicle and must be performed
13 by department employees or peace officers designated by the department.

14 (7) The department may contract with a person or entity for use of a facility as a regional inspection site
15 for salvage vehicles.

16 (8) To defray the cost of the vehicle inspection program, the department shall collect a fee of \$18.50
17 for the inspection of each salvage vehicle for which a certificate of ownership is sought. The fee must be
18 distributed as follows:

19 (a) A portion of the inspection fee for each salvage vehicle must be remitted by the department to the
20 state treasurer for deposit in the general fund.

21 (b) A portion of the inspection fee for each salvage vehicle must be remitted by the department to the
22 inspection site that has contractually permitted the use of its facility for the inspection.

23 (9) (a) An authorized inspector may seize and hold a vehicle:

24 (i) that the inspector has probable cause to believe is stolen;

25 (ii) on which a motor number or vehicle identification number has been defaced, altered, removed,
26 covered, destroyed, or obliterated; or

27 (iii) that does not conform with the vehicle identification number on the certificate of ownership.

28 (b) A seized vehicle may be held until the identity of the vehicle is established and arrangements are
29 made for its lawful disposition. An authorized inspector may use any means necessary to identify a vehicle by
30 its vehicle identification number or numbers.

(10) The department may not issue a certificate of ownership for a vehicle until the identity of the vehicle is established.

(11) The department may adopt rules for the implementation and administration of the vehicle inspection program."

Section 2. 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 an application for registration or reregistration 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 be on a form prescribed by the department and 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 semitrailers registered as provided in 61-3-711 through 61-3-733;

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

(f) proof of compliance with 61-6-301; and

~~(f)(g)~~ other information that the department may require.

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

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

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

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

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

11 (a) the current year; and

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

14 (4) The department may make full and complete investigation of the status of the vehicle. An applicant
15 for registration or reregistration shall submit proof from appropriate records of the proper county at the request
16 of the department.

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

21
22 **NEW SECTION. Section 3. Revocation of registration upon cancellation or termination of**
23 **insurance.** The department shall revoke the registration for a vehicle 30 days after receipt of notice of
24 cancellation or termination of insurance under 61-6-135 unless during that 30-day period the department
25 receives proof of compliance with 61-6-301 from the registrant. If the registration is revoked under this section
26 and a new application for registration is filed, along with the required proof of compliance with 61-6-301, the
27 applicant shall, in addition to any other required fees, pay a fee of \$75.

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

31 - END -