

Amendments to House Bill No. 671  
1st Reading Copy

For the House Transportation Committee

Explanation of Amendments Prepared by the Department of Justice

1. Title, line 7.

Strike: "\$5"

Insert: "\$3"

2. Title, line 8.

Strike: "\$10"

Insert: "\$8"

3. Title, line 16.

Following: "FOR"

Insert: "CERTAIN"

Following: "MANUFACTURED HOMES"

Strike: ", "

Insert: "AND FOR"

Following: "MOBILE HOMES"

Strike: ", "

4. Title, line 30.

Following: "61-3-463,"

Insert: "61-3-464,"

Title amendments #1 and 2 relate to amendments #18-20 explained in the separate handout (lowering TRP fees); title amendment #3 relates to amendment #12 (manufactured home exception for homes declared to me improvement to real property); and title amendment #4 relates to amendment #30 (extend wheelchair symbol license plate availability to collegiate license plates).

5. Page 4, line 21.

Strike: "in the state special revenue"

Insert: "of the enterprise"

Following: "fund"

Insert: "type as"

Strike: "for"

Amendment #5 changes the motor vehicle electronic commerce operating account created in section 5 of HB 671 from a state special revenue account to an enterprise fund type. This is what fiscal and budgeting personnel contemplated originally but that intent was not communicated to the drafter.

6. Page 4, lines 23 and 24.

**Strike:** "or" on line 23 through "61-5-111(6) (d)" on line 24

Amendment #6 relates to amendments #35 and 38-39 eliminating the 50¢ increase on the driver's license renewal notice and the dedication of the current law fee (50¢) and proposed 50¢ increase to the motor vehicle electronic commerce operating account.

7. Page 4, lines 25 and 26.

**Strike:** "must" on line 25 through "justice and" on line 26

Amendment #7 strikes unnecessary language appropriating account monies to the department. Language prescribing purposes for which enterprise account funds can be expended is retained.

8. Page 13, line 21.

**Following:** "~~15-1-116;~~"

**Insert:** "(e) certificate of title fees for manufactured homes pursuant to 15-1-116;"

**Renumber:** subsequent subsections

9. Page 18, line 20.

**Strike:** "(1)(o)"

**Insert:** "(1)(p)"

Amendments #8-9 correct the technical problem noted in the Fiscal Note to HB 671 by the Department of Revenue concerning an inadvertent change to the base year entitlement share calculations provided in HB 124 (the "Big Bill") during the 2001 legislative session. See, Fiscal Note to HB 671, page 5, Technical Note # 2.

10. Page 42, line 3.

**Strike:** "of transportation"

Amendment #10 gives DOJ, as opposed to MDT, authority to determine whether a vehicle is special mobile equipment based on the parameters of the statutory definition.

11. Page 46, line 5.

**Strike:** "or"

12. Page 46, line 6.

**Strike:** ", manufactured home,"

**Following:** "housetrailer"

**Insert:** "; or

(k) a manufactured home declared to be an improvement to real property under 15-1-116"

Amendments #11-12 relate to a concern raised by the manufactured home association and lending institutions who finance purchase of manufactured homes that the exemption from the certificate of title requirement should only apply to manufactured homes declared to be an improvement to real property under current law provisions. For manufactured homes that remain "personal property", it is important for lenders to be able to record their security interest against the title, rather than use a UCC filing which is required for other personal property for which certificate of title is not available.

13. Page 50, line 27.

**Strike:** "under" through "permit"

This amendment clarifies the purposes for which the department, an authorized agent or a county treasurer may issue a TRP. The language referring to 61-3-317 was stricken as unnecessary since amendments to that section already in the bill (page 62, line 26) refer back to 61-3-224.

14. Page 51, line 7.

**Following:** "residence;"

**Strike:** "and"

15. Page 51, line 9.

**Following:** "this state"

**Insert:** "; or

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

16. Page 51, line 18.

**Strike:** "or"

17. Page 51, line 20.

**Following:** "residence"

**Insert:** "; or

(d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

Amendments #14-17 deal with the issue mentioned during the hearing that the department inadvertently omitted demonstration of a repossessed vehicle by a financial institution as a permissible use for TRPs. The Montana Bankers Association and the Montana Credit Union Network supported these amendments, in concept, during testimony in support of the bill.

18. Page 52, line 8.

**Strike:** "\$5"

**Insert:** "\$3"

19. Page 52, line 12.

**Strike:** "\$10"

**Insert:** "\$8"

20. Page 52, line 18 through line 21.

**Following:** "state"

**Strike:** ", for" on line 18 through "be" on line 21

**Insert:** "and"

Amendments #18-19 reduce the TRP fee from \$5 to \$3 for a TRP issued by the department, a county treasurer or an authorized agent to a Montana resident who acquires a new vehicle, a salvage owner moving a vehicle to an inspection site, a person awaiting specially ordered plates, or a financial institution wanting to demonstrate a repossessed vehicle and reduce the fee for a TRP issued over the internet or to a nonresident TRP fee from \$10 to \$8. With amendment #20, all of the reduced TRP fee will go to the motor vehicle electronic commerce account and none of it will go to the state general fund.

21. Page 60, line 18.

**Following:** "quadricycle"

**Insert:** ", including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8,"

Amendment #21 corrects the technical problem noted in the Fiscal Note to HB 671, page 5, Technical Note #3.

22. Page 71, line 26.

**Strike:** "\$25"

**Insert:** "\$5"

Amendment #22 eliminates the proposed differential fee for obtaining a replacement (same background, different plate number) versus a duplicate (same background, same number) license plate.

23. Page 72, line 1.

**Strike:** "to"

Amendment # 23 corrects an editing omission.

24. Page 76, line 23.

**Following:** "plate"

**Insert:** ", to be deposited in the county general fund"

**Strike:** "and"

25. Page 76.

**Following:** line 23

**Insert:** "(b) a \$5 license plate fee; and"

26. Page 76, line 24.

**Strike:** "(b)"

**Insert:** "(c)"

**Strike:** "\$30"

**Insert:** "\$20"

27. Page 76, line 26.

**Strike:** "subsection (2)"

**Insert:** "subsections (2)(b) and (2)(c)"

28. Page 76, line 28.

**Strike:** "\$25"

**Insert:** "\$20"

Amendments # 24-28 clarify that, if a special motorcycle license plate, commonly referred to as a "chrome for kids" license plate during the 2003 session, is issued, the \$5 administrative fee is to be deposited - in the county general fund - similar to current law \$5 administrative fee for generic specialty plates and collegiate license plates.

Additionally, the amendments return donation amount to current law \$20 fee, with an additional \$5 to be deposited in state general fund. The \$5 fee is identical to the current law new license plate fee. As noted in the Fiscal Note, no motorcycle plates were issued under this section in tax year 2003 or tax year 2004, most likely because this was the only class of motorcycles that was subject to annual registration, while other motorcycle registration was changed to permanent.

29. Page 81, line 15.

**Following:** "pole trailer."

**Insert:** "Special military or veteran license plates bearing a wheelchair as the symbol of a person with a disability may be issued to a person who meets the qualifications under 61-3-332(9) and this section."

30. Page 83.

**Following:** line 24

**Insert:** "**Section 85.** Section 61-3-464

, MCA, is amended to read:

"61-3-464. Application for collegiate license plates. An applicant for collegiate license plates or renewal of collegiate license plates pursuant to 61-3-465 shall apply in the form and by the date the department requires. An application for a collegiate license plate may be combined with an application for a license plate bearing a wheelchair as the symbol of a person with a disability if the applicant meets the qualifications under 61-3-332(9)."

{Internal References to 61-3-464:

x61-3-461 \*      x61-3-462 \*      x61-3-462 \*      x61-3-463 \* }

"

**Renumber:** subsequent sections

Amendments #29-30 extend the option of wheelchair symbol license plates for a person with a disability to a person who is also qualified for special military or veteran license plates or who also wants collegiate license plates. With the changes proposed in these amendments and HB 671, persons with a disability should be able to choose whatever license plate type that they desire or qualify for and the wheelchair symbol can still be displayed. Committee members should have received a letter from Montana Advocacy Program in support of these amendments.

31. Page 90, line 24.

**Following:** "subsection"

**Insert:** "(1), the \$1.25 one-time fee imposed under subsection"

**Following:** "(3)"

**Insert:** ", "

Amendment #31 corrects the technical problem noted in the Fiscal Note to HB 671, page 5, Technical Note # 6.

32. Page 93, line 29.

**Strike:** "and that are reported under 61-3-501"

Amendment #32 deletes a reference to prior practice of reporting vehicles held in dealer inventory to avoid imposition of back taxes. With elimination of back tax requirement, reporting of dealer inventory is no longer required.

33. Page 97, line 16.

**Following:** "\$2"

**Insert:** ", which must be remitted to the state and deposited in the state general fund"

Amendment #33 corrects the technical problem noted in the Fiscal Note to HB 671, page 5, Technical Note # 8 by specifying the \$2 decal fee is supposed to go - to the state general fund.

34. Page 108, line 4.

**Strike:** "20-day"

Amendment #34 is a clean-up amendment that strikes reference to the period of a TRP. Under HB 671, TRP duration is 40 days, not 20 days.

35. Page 112, line 15.

**Strike:** "\$1"

**Insert:** "50 cents"

Amendment #35 eliminates the proposed 50¢ increase for the driver's license renewal notice fee.

36. Page 112, line 30.

**Strike:** "or name"

Amendment # 36 is a clean-up amendment that strikes reference in catchphrase to comport with proposed amendment eliminating name changes from this process.

37. Page 113, line 3.

**Following:** "in writing"

**Insert:** "or electronically by an approved automated interface"

Amendment #37 clarifies the change of address notification can be done electronically via an approved automated interface. This parallels language proposed in section 1(3)(a) of HB 671.

38. Page 113, line 7.

**Strike:** "Except as provided in subsection (3), the"

**Insert:** "The"

39. Page 114, lines 19 and 20.

**Strike:** subsection (3) in its entirety

Amendments #38-39 delete language directing how the increased driver's license renewal notice fee would have been distributed. With the elimination of the increase and any diversion of the current fee to the motor vehicle electronic commerce operating account, this language wasn't needed.

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