



## SENATE STANDING COMMITTEE REPORT

March 23, 2005

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Mr. President:

We, your committee on **Highways and Transportation** recommend that **Senate Bill 507** (first reading copy -- white) **do pass as amended**.

Signed: *Gerald Pease*  
*Senator Gerald Pease, Chair*

**And, that such amendments read:**

1. Title, page 1, line 9.

Following: "OBTAIN"

Strike: "AN INDIVIDUAL MONTANA DRIVING RECORD"

Insert: "A CERTIFICATE OF TITLE"

2. Title, page 1, line 10.

Following: "SECTIONS"

Insert: "61-3-203, 61-3-204,"

Following: "61-9-204,"

Strike: "AND 61-11-105,"

Insert: "61-9-407, AND 61-9-430,"

3. Page 5, line 3.

Insert: "Section 4. Section 61-3-203, MCA, is amended to read:

"61-3-203. Fee for original certificate of title -- disposition. (1) A person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of ~~\$10~~ \$14 for issuance of an original certificate of title. ~~The fee must be collected by the county treasurer or by an authorized agent of the department at the time of application. An additional fee of \$2 must be paid for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks. The fees must be paid to the county treasurer or agent of the department and, of the \$10 fee, \$5 must be forwarded to the department of revenue and deposited in the state general fund. The remaining \$5 must be forwarded to the department for deposit~~

(2) The \$14 fee imposed in subsection (1) must be forwarded to the department, and \$5 of the fee must be deposited in the motor vehicle information technology system account provided for

**Committee Vote:**

Yes 9, No 0.

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in 61-3-550. The remaining amount must be deposited in the state general fund."

**Insert:** "Section 5. Section 61-3-204, MCA, is amended to read:

**"61-3-204. Replacement certificate of title -- application.**

(1) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of ~~\$10~~ \$14. ~~Of the \$10 fee, \$5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5~~

(2) The \$14 fee must be forwarded to the department, for deposit and \$5 of the fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550. The remaining amount must be deposited in the state general fund.

~~(2)~~(3) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title.""

**Renumber:** subsequent sections

4. Page 8, line 2 through page 9, line 5.

**Strike:** section 7 in its entirety

**Insert:** "Section 9. Section 61-9-407, MCA, is amended to read:

**"61-9-407. Fenders, splash aprons, or flaps required on certain vehicles -- dimension and location.** (1) A person may not move, or permit to be moved, a vehicle, except a motorcycle, quadricycle, motor-driven cycle, or farm tractor, as defined in this title, upon the public highways without having first equipped the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders, splash aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and deflects dirt, mud, water, rocks, and other substances that may be picked up by the rear wheels of the vehicle and thrown into the air, as follows:

(a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above and forward of the center of the tire or tires over and to the rear of the tires.

(b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend downward in full width from a point not lower than halfway between the center of the tire or tires and the top of the tire or tires and to the rear of the tires.

(c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 20 inches above the surface of the highway when the vehicle is empty.

(2) Fenders, splash aprons, or flaps, as used in subsection (1), must be constructed as follows:

(a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of the tire or of the combined width of the multiple tires; and

(b) the fender, splash apron, or flap is capable at all times of arresting and deflecting dirt, mud, water, or other substance that may be picked up and carried by the wheel or wheels.

(3) This section does not apply to a street rod vehicles, as defined in [section 1], motor vehicles not originally equipped with fenders, splash aprons, or flaps, or motor vehicles for which fenders, splash aprons, or flaps were not required by federal law or regulation at the time of manufacture.

~~(4) For purposes of 61-9-430 and this section, "street rod" means a vehicle manufactured before 1949 that has been modified in body style or design."~~

**Insert:** "Section 10. Section 61-9-430, MCA, is amended to read:

"61-9-430. **Bumpers.** (1) A motor vehicle of less than 10,000 pounds gross vehicle weight or rating registered in Montana, except a motorcycle, a quadricycle, a motor-driven cycle, or a farm tractor, must be equipped with a front bumper and, unless the vehicle is equipped with work-performing features that make installation impractical or unnecessary, with a rear bumper.

(2) This section does not apply to a street rod vehicles, as defined in ~~61-9-407(4)~~ [section 1], vehicles not originally equipped with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the time of manufacture."

**Renumber:** subsequent sections

5. Page 9, line 16.

Following: "(2)"

Strike: "[Section 7] is"

Insert: "[Sections 4 and 5] are"

- END -

PROXY VOTE

I, the undersigned, hereby authorize Senator LASLOVICH to  
vote my proxy on any issue before the Senate HIGHWAYS

Committee held on 3.22, 2005.

YES ON FIRST AMENDMENT ON SB 507 (SB050701.HTE)  
YES ON SECOND AMENDMENT ON SB 507 (SB050702.HTE)  
SB 507 : YES

Paul Weening  
SENATOR  
STATE OF MONTANA

I, Sen Jay Black, give my  
proxy vote to Sen Bruggeman  
in Senate Transportation on 4/24/07

Sen Jay Black

PROXY VOTE

I, the undersigned, hereby authorize Senator Smith to  
vote my proxy on any issue before the Senate Jesse Las

Committee held on \_\_\_\_\_, 2005.

Yes on  
Fee increase on  
titles -

Don Kutnyberg  
SENATOR  
STATE OF MONTANA

**MONTANA STATE SENATE  
2005 LEGISLATURE**

**VISITOR REGISTER**

**HIGHWAYS AND TRANSPORTATION**

DATE 3-22-05 BILLS BEING HEARD TODAY ~~HB 492~~

HB 678

HB 683

HB 684

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bob Gilbert	439-1939	MT. SENATE	<del>HB 683</del>		<input checked="" type="checkbox"/>
Jim Kembel	439-6791	MACOP MPPA	HB 683		<input checked="" type="checkbox"/>
Kathy McGowan	439-4189	MSPDA	HB 683		<input checked="" type="checkbox"/>
Bill Dove	581-1128	MPPA	HB 683		<input checked="" type="checkbox"/>
Clancy King	444-3588	MT HWY PATROL	HB 683	<del>INFO</del>	
John Prinkell	446-1595	MACO / Carson Co	HB 683		
<del>Pat King</del>	447-2301	BNSF	HB 681	<input checked="" type="checkbox"/>	
<del>Pat King</del>	444-6201	MOT	HB 683	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
"	"	"	HB 684	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RICK MAERZ	444-4800	HD 2	HB 684	<input checked="" type="checkbox"/>	
Gordon Morris		MACO	HB 683		<input checked="" type="checkbox"/>
"		"	HB 492	<input checked="" type="checkbox"/>	
Doc Judge	459-1708	Teamsters Local 190	HB 678	<input checked="" type="checkbox"/>	
Bob Northington		RD No. 17	HB 683		<input checked="" type="checkbox"/>
William Duffield	939-4443	Self	HB 678		<input checked="" type="checkbox"/>

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**