

HOUSE BILL NO. 441

INTRODUCED BY C. LAMBERT

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN INDIVIDUAL TO CHOOSE TO OPT OUT OF THE \$1 CONTRIBUTION FOR EDUCATION AND SUPPORT OF TRAUMATIC BRAIN INJURIES; AND AMENDING SECTION 61-3-303, MCA."

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

Section 1. Section 61-3-303, MCA, is amended to read:

"61-3-303. Original registration -- process -- fees. (1) Except as provided in 61-3-324, a Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner permanently resides or, if the motor vehicle, trailer, semitrailer, or pole trailer is owned by a corporation or used primarily for commercial purposes, in the county where the motor vehicle, trailer, semitrailer, or pole trailer is domiciled.

(2) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

(a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(b) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(3) (a) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate of title. The new owner may submit an application for certificate of title, subject to the registration renewal

1 limitations of 61-3-312.

2 (4) Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the
3 county treasurer shall:

4 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
5 61-3-101;

6 (b) assign a registration period for the vehicle under 61-3-311;

7 (c) determine the vehicle's age, if required, under 61-3-501;

8 (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5);

9 and

10 (e) assign and issue license plates for the vehicle under 61-3-331.

11 (5) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county
12 treasurer:

13 (a) the fees in lieu of tax or registration fees as required for:

14 (i) a light vehicle under 61-3-321(2) or 61-3-562, in addition to, if applicable, any local option tax or fee
15 under 61-3-537 or 61-3-570;

16 (ii) a motor home under 61-3-321;

17 (iii) a travel trailer under 61-3-321;

18 (iv) a motorcycle or quadricycle under 61-3-321;

19 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
20 61-3-321 and 61-3-529; or

21 (vi) a trailer under 61-3-321;

22 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
23 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
24 anatomical gifts; and

25 (c) ~~a donation of~~ an automatic contribution of \$1 or more if the person indicates that the person wishes
26 ~~to donate~~ to promote education on, support for, and awareness of traumatic brain injury. A place must be
27 provided on the registration form for an individual to opt out of the contribution. If this option is exercised, the
28 individual shall check and initial the registration form in the appropriate place.

29 (6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle,
30 trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5).

1 (7) The department may make full and complete investigation of the registration status of the motor
2 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole
3 trailer under this section shall provide additional information to support the registration to the department if
4 requested.

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

9 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or
10 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer
11 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the
12 travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who
13 registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel
14 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is
15 transferred.

16 (b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is
17 transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer,
18 or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax,
19 taxes, and fees.

20 (10) Revenue that accrues from the ~~voluntary~~ donation provided in subsection (5)(c) must be forwarded
21 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to
22 the credit of the account established in 2-15-2218 to support activities related to education regarding prevention
23 of traumatic brain injury."

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- END -