

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING RESIDENCY REQUIREMENTS FOR VEHICLE
5 REGISTRATION; AND AMENDING SECTIONS 61-1-101 AND 61-3-303, MCA."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8
9 **Section 1.** Section 61-1-101, MCA, is amended to read:

10 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
11 definitions apply:

12 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department
13 and is specifically authorized by the department to electronically access and update the department's motor
14 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or
15 purposes upon behalf of a third party.

16 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited
17 partnership, limited liability company, association, joint venture, state agency, local government unit, another state
18 government, the United States, a political subdivision of this or another state, or any other legal or commercial
19 entity.

20 (2) "Authorized agent agreement" means the written agreement executed between an authorized agent
21 and the department that sets the technical and operational program standards, compliance criteria, payment
22 options, and service expectations by which the authorized agent must operate in performing specific motor
23 vehicle or driver-related record functions.

24 (3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
25 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
26 transportation of persons for compensation.

27 (4) (a) "Business entity" means a corporation, association, partnership, limited liability company, limited
28 liability partnership, or other legal entity recognized under state law.

29 (b) The term does not include an individual.

30 ~~(4)~~(5) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached

1 to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to
2 a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

3 (b) The term does not include a truck canopy cover or topper.

4 ~~(5)~~(6) "Certificate of title" means the paper record issued by the department or by the appropriate agency
5 of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons
6 and the motor vehicle specifically described in the record and that provides notice of a perfected security interest
7 in the motor vehicle.

8 ~~(6)~~(7) "Commercial driver's license" means:

9 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate
10 a class of commercial motor vehicle; and

11 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid
12 commercial driver's license.

13 ~~(7)~~(8) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
14 commerce to transport passengers or property if the vehicle:

15 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
16 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

17 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
18 greater;

19 (iii) is designed to transport at least 16 passengers, including the driver;

20 (iv) is a school bus; or

21 (v) is of any size and is used in the transportation of hazardous materials as defined in 61-8-801.

22 (b) The following vehicles are not commercial motor vehicles:

23 (i) an authorized emergency service vehicle:

24 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

25 (B) entitled to the exemptions granted under 61-8-107;

26 (ii) a vehicle:

27 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

28 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
29 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
30 of the farm, including any area within that perimeter that is in the adjoining state; and

1 (C) not used to transport goods for compensation or for hire; or

2 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
3 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
4 personnel in part-time national guard training, and national guard military technicians, or active duty United States
5 coast guard personnel.

6 (c) For purposes of this subsection ~~(7)~~(8):

7 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or
8 crops or the raising of livestock owned by or under the direct control of that person;

9 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight
10 of a combination or articulated vehicle;

11 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of
12 a single vehicle; and

13 (iv) "school bus" has the meaning provided in 49 CFR 383.5.

14 ~~(8)~~(9) "Commission" means the state transportation commission.

15 ~~(9) "County where a vehicle is domiciled" means the county in which the vehicle owner permanently
16 resides or, if a vehicle is owned by a corporation or is leased or used for commercial purposes, the county in
17 which the vehicle is permanently assigned or most frequently used, dispatched, or controlled.~~

18 (10) "Custom vehicle" means a motor vehicle other than a motorcycle that:

19 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

20 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
21 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
22 25 years old; and

23 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
24 materials.

25 (11) (a) "Dealer" means a person, firm, association, or corporation that, for commission or profit, engages
26 in whole or in part in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker,
27 as defined in 61-4-131, of new or used motor vehicles, trailers, semitrailers, or pole trailers that are not registered
28 in the name of the person, firm, association, or corporation and that are required to be licensed under chapter
29 4 of this title.

30 (b) The term does not include the following:

1 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
2 under a judgment or order of any court of competent jurisdiction;

3 (ii) employees of the persons included in subsection (11)(b)(i) when engaged in the specific performance
4 of their duties as employees; or

5 (iii) public officers while performing or in the operation of their duties.

6 (12) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load
7 to be carried on the vehicle as stated by the registrant in the application for registration.

8 (13) "Department" means the department of justice acting directly or through its ~~duly~~ authorized officers
9 or agents.

10 (14) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer
11 tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

12 (15) "Domiciled" means a place where:

13 (a) an individual establishes residence;

14 (b) a business entity maintains its principal place of business or the address of its registered agent; or

15 (c) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
16 or poletrailer that it owns or leases.

17 ~~(15)~~(16) "Driver" means a person who drives or is in actual physical control of a vehicle.

18 ~~(16)~~(17) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted
19 by the laws of this state, including:

20 (a) any temporary license or instruction permit;

21 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

22 (c) any nonresident's driving privilege;

23 (d) a motorcycle endorsement; or

24 (e) a commercial driver's license.

25 ~~(17)~~(18) "Electric personal assistive mobility device" means a device that has two nontandem wheels,
26 is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
27 maximum speed of the device to 12 1/2 miles an hour.

28 ~~(18)~~(19) "For hire" means an action performed for remuneration of any kind, whether paid or promised,
29 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from
30 which a remuneration is obtained or derived for transportation service.

1 ~~(19)~~(20) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load
2 on the vehicle.

3 ~~(20)~~(21) "Highway" or "public highway" means the entire width between the boundary lines of every
4 publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes
5 of vehicular travel.

6 ~~(24)~~(22) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
7 arrests for violations of traffic regulations.

8 ~~(22)~~(23) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
9 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

10 ~~(23)~~(24) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

11 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

12 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,
13 commonly referred to as a donor vehicle.

14 ~~(24)~~(25) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
15 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

16 ~~(25)~~(26) "Manufactured home" has the meaning provided in 15-1-101.

17 ~~(26)~~(27) "Manufacturer" includes any person, firm, corporation, or association engaged in the
18 manufacture of motor vehicles, trailers, or semitrailers as a regular business.

19 ~~(27)~~(28) "Manufacturer's certificate of origin" means the original paper record produced and issued by
20 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
21 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
22 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
23 ownership of the vehicle to the person or persons named in the certificate.

24 ~~(28)~~(29) "Mobile home" or "housetrailer" has the meaning provided in 15-1-101.

25 (30) "Montana resident" means:

26 (a) an individual who resides in Montana as determined under 1-1-215;

27 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
28 registered agent in this state.

29 ~~(29)~~(31) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
30 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal

1 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

2 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard
3 or any successor federal agency.

4 ~~(30)~~(32) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed
5 by a court that are operating motor vehicles upon a public highway in this state for the transportation of property
6 for hire on a commercial basis.

7 (b) The term does not include motor carriers regulated under Title 69, chapter 12.

8 ~~(31)~~(33) (a) "Motorcycle" means a motor vehicle having not more than three wheels in contact with the
9 ground and a saddle on which the operator sits or a platform on which the operator stands and a driving wheel
10 in contact with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one or more
11 attachments and a seat for the conveyance of a passenger.

12 (b) The term does not include a tractor, a bicycle as defined in 61-8-102, a motorized nonstandard
13 vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

14 ~~(32)~~(34) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
15 produces 5 horsepower or less.

16 (b) The term does not include a bicycle, as defined in 61-8-102, or a motorized nonstandard vehicle.

17 ~~(33)~~(35) "Motor home" means a motor vehicle:

18 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached to
19 a self-propelled motor vehicle chassis or van;

20 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2
21 standard; and

22 (c) providing at least four of the following types of facilities:

23 (i) cooking, refrigeration, or icebox;

24 (ii) self-contained toilet;

25 (iii) heating or air-conditioning, or both;

26 (iv) potable water supply, including a faucet and sink; or

27 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

28 ~~(34)~~(36) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
29 transported, that:

30 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

- 1 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and
- 2 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
- 3 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.
- 4 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a
- 5 "pocket rocket".
- 6 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
- 7 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
- 8 person.
- 9 ~~(35)~~(37) (a) "Motor vehicle" means a vehicle propelled by its own power and designed or used to
- 10 transport persons or property upon the highways of the state.
- 11 (b) The term does not include a bicycle as defined in 61-8-102 or a motorized wheelchair or other
- 12 low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person
- 13 and that is used as a means of mobility for that person.
- 14 ~~(36)~~(38) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
- 15 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
- 16 as the result of a retail sale.
- 17 ~~(37)~~(39) "Nonresident" means a person who is not a Montana resident ~~of this state~~.
- 18 ~~(38)~~(40) (a) "Not used for general transportation purposes" means the operation of a motor vehicle,
- 19 registered as a collector's item, a custom vehicle, or a street rod, to or from a car club activity or event or an
- 20 exhibit, show, cruise night, or parade, or other occasional transportation activity.
- 21 (b) The term does not include operation of a motor vehicle for routine or ordinary household
- 22 maintenance, employment, education, or other similar purposes.
- 23 ~~(39)~~(41) (a) "Off-highway vehicle" means a self-propelled vehicle used for recreation or cross-country
- 24 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
- 25 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land
- 26 transportation deriving motive power from any source other than muscle or wind.
- 27 (b) The term does not include:
- 28 (i) vehicles designed primarily for travel on, over, or in the water;
- 29 (ii) snowmobiles; or
- 30 (iii) vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the

1 vehicle is used for off-road recreation on public lands.

2 ~~(40)~~(42) "Operator" means a person who is in actual physical control of a motor vehicle.

3 ~~(41)~~(43) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
4 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
5 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
6 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
7 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
8 person in whom is vested the right of possession or control.

9 ~~(42)~~(44) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

10 ~~(43)~~(45) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
11 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
12 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
13 vessel.

14 ~~(44)~~(46) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
15 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
16 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
17 structural members capable generally of sustaining themselves as beams between the supporting connections.

18 ~~(45)~~(47) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
19 violations of traffic regulations.

20 ~~(46)~~(48) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
21 having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50
22 horsepower.

23 (b) The term does not include golf carts.

24 ~~(47)~~(49) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated
25 upon stationary rails.

26 ~~(48)~~(50) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
27 coupled to the engine, that is operated upon rails.

28 (b) The term does not include streetcars.

29 ~~(49)~~(51) "Recreational vehicle" includes self-propelled vehicles originally designed or permanently altered
30 to provide temporary facilities for recreational, travel, or camping use.

1 ~~(50)~~(52) "Registration" or "register" means the act or process of creating an electronic record, maintained
2 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a
3 registration decal for a specific vehicle, the ownership of which has been established or is presumed in
4 department records.

5 ~~(51)~~(53) "Registration decal" means an adhesive sticker produced by the department and issued by the
6 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, or pole
7 trailer as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by
8 the department under 61-3-101.

9 ~~(52)~~(54) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
10 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
11 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
12 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
13 vehicle for the registration period indicated in the receipt.

14 ~~(53)~~(55) "Retail sale" means the sale of a new motor vehicle or used motor vehicle, a recreational vehicle,
15 a trailer, a travel trailer, a motorcycle, a quadricycle, or special mobile equipment by a dealer to a person for
16 purposes other than resale.

17 ~~(54)~~(56) "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public
18 highways are terminated and may not be renewed or restored. An application for a new license may be presented
19 and acted upon by the department after the expiration of the period of the revocation.

20 ~~(55)~~(57) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
21 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
22 the term refers to any roadway separately but not to all roadways collectively.

23 ~~(56)~~(58) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

24 (b) The term does not include a canoe or kayak propelled by wind.

25 ~~(57)~~(59) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
26 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
27 that of its load rests upon or is carried by another vehicle.

28 ~~(58)~~(60) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
29 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that
30 is not otherwise registered or licensed under the laws of the state of Montana.

1 ~~(59)~~(61) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
2 property on the highways but incidentally operated or moved over the highways, including road construction or
3 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
4 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
5 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

6 ~~(60)~~(62) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

7 (i) was not originally constructed under a distinctive make, model, or type by a generally recognized
8 manufacturer of motor vehicles;

9 (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from
10 a generally recognized manufacturer of motor vehicles;

11 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from
12 other vehicles;

13 (iv) has been constructed or assembled by using major component parts from one or more manufactured
14 vehicles and that cannot be identified as a specific make or model; or

15 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

16 (b) The term does not include a motor vehicle that has been repaired or restored to its original design
17 by replacing parts.

18 ~~(64)~~(63) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that
19 is constructed on a truck chassis or that has special features for occasional off-road use.

20 (b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

21 ~~(62)~~(64) (a) "Stop", when required, means complete cessation from movement.

22 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,
23 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the
24 directions of a police officer, highway patrol officer, or traffic control sign or signal.

25 ~~(63)~~(65) "Street" means the entire width between the boundary lines of every publicly maintained way
26 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

27 ~~(64)~~(66) "Street rod" means a motor vehicle, other than a motorcycle, that:

28 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,
29 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

30 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal

1 materials.

2 ~~(65)~~(67) "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public
3 highways are temporarily withdrawn, but only during the period of suspension.

4 ~~(66)~~(68) "Temporary registration permit" means a paper record:

5 (a) issued by the department, an authorized agent, a county treasurer, or a person, using a
6 department-approved electronic interface after an electronic record has been transmitted to the department, that
7 contains:

8 (i) required vehicle and owner information; and

9 (ii) the purpose for which the record was generated; and

10 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
11 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
12 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record
13 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

14 ~~(67)~~(69) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
15 conveyances either singly or together while using any highways for purposes of travel.

16 ~~(68)~~(70) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
17 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
18 upon the towing vehicle.

19 (b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

20 ~~(69)~~(71) "Transaction summary receipt" means an electronic record produced and issued by the
21 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
22 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
23 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
24 described in the receipt on the electronic record of title maintained under 61-3-101.

25 ~~(70)~~(72) "Travel trailer" means a vehicle:

26 (a) that is 40 feet or less in length;

27 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

28 (c) with gross trailer area of less than 320 square feet; and

29 (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used
30 as a principal residence.

1 ~~(74)~~(73) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
2 transportation of property.

3 ~~(72)~~(74) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
4 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

5 ~~(73)~~(75) "Under the influence" has the meaning provided in 61-8-401.

6 ~~(74)~~(76) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
7 given away, or had its title transferred from the person who first took title to it from the manufacturer, importer,
8 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what
9 is commonly known as "secondhand" within the ordinary meaning of that term.

10 ~~(75)~~(77) "Van" means a motor vehicle designed for the transportation of at least six persons and not more
11 than nine persons and intended for but not limited to family or personal transportation without compensation.

12 ~~(76)~~(78) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported
13 or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
14 or tracks.

15 (b) The term does not include a manually or mechanically propelled wheelchair or other low-powered,
16 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
17 used as a means of mobility for that person.

18 ~~(77)~~(79) "Vehicle identification number" means the number, letters, or combination of numbers and letters
19 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
20 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

21 ~~(78)~~(80) "Vessel" means every description of watercraft, unless otherwise defined by the department,
22 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

23 ~~(79)~~(81) "Wholesaler" means a person, firm, partnership, association, or corporation that for a
24 commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts
25 to negotiate a sale or exchange of an interest in a used motor vehicle, recreational vehicle, trailer, semitrailer,
26 pole trailer, special mobile equipment, motorcycle, or quadricycle only to vehicle dealers and auto auctions
27 licensed under chapter 4, part 1."

28

29 **Section 2.** Section 61-3-303, MCA, is amended to read:

30 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana

1 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways
2 of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer
3 in the county where the owner ~~permanently resides or, if the motor vehicle, trailer, semitrailer, or pole trailer is~~
4 ~~owned by a corporation or used primarily for commercial purposes, in the county where the motor vehicle, trailer,~~
5 ~~semitrailer, or pole trailer is domiciled.~~

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

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

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

11 (3) (a) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which a
12 certificate of title and registration were issued in another jurisdiction and for which registration is required under
13 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and
14 receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer,
15 semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that
16 the electronic record of registration maintained by the department is complete.

17 (b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new
18 owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate
19 of title. The new owner may submit an application for certificate of title, subject to the registration renewal
20 limitations of 61-3-312.

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

23 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
24 61-3-101;

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

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

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

28 and

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

30 (5) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county

1 treasurer:

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

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

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

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

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

8 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
9 61-3-321 and 61-3-529; or

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

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

14 (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
15 education on, support for, and awareness of traumatic brain injury.

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

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

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

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

1 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is
2 transferred.

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

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

11

- END -