

1 SENATE BILL NO. 329

2 INTRODUCED BY G. BARKUS

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING MOTOR VEHICLE
 5 REGISTRATION AND MOTOR VEHICLE LIABILITY INSURANCE; REQUIRING THAT MOTOR VEHICLES
 6 DISPLAY ONLY ONE OFFICIAL LICENSE PLATE; ELIMINATING ALL SPECIAL, MILITARY, COLLEGIATE,
 7 AND GENERIC SPECIALTY LICENSE PLATES, EXCEPT AMATEUR RADIO OPERATOR PLATES, PLATES
 8 ISSUED TO PERSONS WITH DISABILITIES AND DISABLED VETERANS, AND FLEET VEHICLE PLATES;
 9 ALLOWING FOR PLACEMENT OF SPECIAL MILITARY AND OTHER SPONSORING ORGANIZATION
 10 DECALS DESIGNED BY AND SUPPORTING CERTAIN ORGANIZATIONS; REQUIRING COLOR-CODED
 11 REGISTRATION DECALS FOR LICENSE PLATES; REQUIRING COUNTY DESIGNATION DECALS FOR
 12 CERTAIN LICENSE PLATES; REQUIRING ISSUANCE AND DISPLAY OF A LICENSE PLATE DECAL
 13 SHOWING PROOF OF INSURANCE AND PROVIDING PENALTIES; AMENDING SECTIONS 2-15-151,
 14 2-17-421, 10-2-112, 10-2-114, 15-1-121, 44-4-205, 44-4-206, 49-4-301, 49-4-302, 49-4-304, 61-1-101, 61-3-224,
 15 61-3-301, 61-3-302, 61-3-303, 61-3-311, 61-3-320, 61-3-321, 61-3-325, 61-3-331, 61-3-332, 61-3-333, 61-3-334,
 16 61-3-335, 61-3-337, 61-3-402, 61-3-403, 61-3-404, 61-3-405, 61-3-407, 61-3-411, 61-3-412, 61-3-413, 61-3-421,
 17 61-3-422, 61-3-423, 61-3-425, 61-3-426, 61-3-455, 61-3-458, 61-3-459, 61-3-460, 61-3-562, 61-3-701, 61-3-702,
 18 61-3-722, 61-4-101, 61-4-102, 61-4-109, 61-4-123, 61-4-129, 61-4-130, 61-4-221, 61-4-222, 61-4-223, 61-6-304,
 19 AND 90-1-115, MCA; REPEALING SECTIONS 61-3-415, 61-3-446, 61-3-448, 61-3-461, 61-3-462, 61-3-463,
 20 61-3-464, 61-3-465, 61-3-466, 61-3-467, 61-3-468, 61-3-472, 61-3-473, 61-3-474, 61-3-475, 61-3-476, 61-3-477,
 21 61-3-478, 61-3-479, 61-3-480, AND 61-3-481, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

22

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

24

25 **NEW SECTION. Section 1. Special license plates -- transition to single standard plate -- optional**
 26 **display of organization decal.** (1) Except as provided in subsection (2), a special license plate for military
 27 personnel, veterans, or spouses, a collegiate license plate, a generic specialty license plate, or a commemorative
 28 centennial license plate issued under the provisions of this chapter that were in effect prior to [the effective date
 29 of this act] may continue to be displayed on a motor vehicle, travel trailer, trailer, semitrailer, or pole trailer until
 30 ownership of the motor vehicle, travel trailer, trailer, semitrailer, or pole trailer is transferred. Upon transfer of

1 ownership, a standard license plate must be issued and displayed as provided in 61-3-301.

2 (2) A special license plate for military personnel, veterans, or spouses, a collegiate license plate, a
3 generic specialty license plate, or a commemorative centennial license plate may continue to be displayed on
4 a motor vehicle that is permanently registered, as provided in 61-3-562, or on a travel trailer, motorcycle,
5 quadricycle, trailer, semitrailer, or pole trailer, as provided in 61-3-303, until ownership is transferred or until
6 January 1, 2011, whichever comes first.

7 (3) Military organizations, veterans' organizations, institutions of higher education, and any other
8 organization that sponsored generic specialty license plates prior to [the effective date of this act] or that qualifies
9 under the rules adopted pursuant to this section may design and offer for sale a decal, approved by the
10 department of justice, displaying the organization's or institution's name, identifying phrase, and graphic. The
11 decal must be placed on the left side of a license plate issued and numbered separately as required in 61-3-332.

12 (4) The department shall adopt rules governing the qualifications for and issuance of the sponsoring
13 organization decals and providing procedures for application for and issuance of a license plate that will bear a
14 sponsoring organization's decal.

15
16 **NEW SECTION. Section 2. Proof of insurance adhesive decal.** (1) At the time that a policy for the
17 insurance required by 61-6-301 is issued or renewed, the insurer shall provide the insured with an adhesive decal
18 for each insured vehicle. The insured shall affix the decal on the upper left corner of each vehicle's license plate.

19 (2) The department shall provide to insurers that are authorized to issue motor vehicle liability insurance
20 policies in Montana the adhesive decals required to be issued under this section.

21 (3) The decal must be designed by the department and be large enough to include the name of the
22 insurance company and other information necessary for enforcement of 61-6-301.

23 (4) If insurance coverage is canceled by either the insured or the insurer, the insured shall remove the
24 decal. If the insured changes motor vehicle liability insurance companies, the insured shall replace the decal.

25 (5) (a) Operation of a vehicle without the decal properly attached is a criminal offense punishable as
26 provided in 61-6-304, and absolute liability is imposed within the meaning of 45-2-104. However, a person
27 charged with violating this subsection may not be convicted if the person produces in court or the office of the
28 arresting officer proof of insurance valid at the time of the arrest.

29 (b) A person who operates a vehicle with the decal properly attached but who is not in compliance with
30 61-6-301 or 61-6-302 is subject to a fine of \$250 in addition to the penalties provided in 61-6-304.

1 (6) An insurer may not be held liable for the use of a decal in violation of this section.

2

3 **Section 3.** Section 2-15-151, MCA, is amended to read:

4 **"2-15-151. Lewis and Clark bicentennial license plates -- authorization to apply as sponsor -- use**
 5 **of proceeds.** (1) An applicant for a generic specialty license plate that was sponsored by the former Lewis and
 6 Clark bicentennial commission shall make a donation of \$20 to the department of commerce and the Montana
 7 historical society as the successors to the Lewis and Clark bicentennial commission upon initial issuance of the
 8 license plates and a donation of \$20 upon each annual renewal of the license plates.

9 ~~_____ (2) The donation provided for in subsection (1) must be paid to the county treasurer, who shall remit the~~
 10 ~~entire amount to the department of revenue for deposit in the special revenue accounts established in 90-1-115.~~

11 ~~_____ (3) Beginning January 1, 2007, the~~ The department of commerce and the Montana historical society shall
 12 use money collected from sales of Lewis and Clark bicentennial license plates prior to [the effective date of this
 13 act] and sale of decals as provided in [section 1] after [the effective date of this act] and deposited in the special
 14 revenue accounts established in 90-1-115 to support projects related to Lewis and Clark."
 15

15

16 **Section 4.** Section 2-17-421, MCA, is amended to read:

17 **"2-17-421. Use -- state business only -- exception -- compensation for driving personal vehicle**
 18 **-- penalty for private use.** (1) Except as provided in 2-17-424, a state officer or state employee may not use a
 19 state-owned or leased motor vehicle for personal use ~~nor~~ or be compensated for driving a personal motor vehicle
 20 unless that motor vehicle is used on state business.

21 (2) Except for ~~vehicles~~ a vehicle that ~~have~~ has been approved for a confidential license plates plate by
 22 the attorney general in accordance with 44-4-201, a decal must be affixed to the windshield of each state-owned
 23 or leased vehicle, with the following information contained on the decal:

24 "Any officer or employee of state government who uses or authorizes the use of any state-owned or
 25 leased motor vehicle in violation of the acceptable use rules provided for in 2-17-424 may be removed from office
 26 by the head of the department or establishment concerned."

27 (3) The head of a department or agency may terminate the employment of any state employee using
 28 state-owned or leased vehicles for personal use in violation of the rules provided for in 2-17-424."
 29

29

30 **Section 5.** Section 10-2-112, MCA, is amended to read:

1 **"10-2-112. Veterans' services special revenue account -- sources of funds -- designated uses. (1)**

2 There is a veterans' services account in the state special revenue fund, established pursuant to 17-2-102(1)(b),
3 to the credit of the board.

4 (2) Money transferred pursuant to 15-1-122(3)(d) from license plate decal sales as described in 10-2-114
5 and from gifts, grants, or donations must be deposited in the veterans' services account.

6 (3) Legislative appropriations of money in the veterans' services account must be used for the purposes
7 identified in 10-2-102 or other functions authorized by the board.

8 (4) There is a veterans' services federal account in the federal special revenue fund established for
9 federal funds received under 10-2-106."

10

11 **Section 6.** Section 10-2-114, MCA, is amended to read:

12 **"10-2-114. Patriotic license ~~plates~~ plate decal -- surcharge -- disposition. (1)** ~~Subject to 61-3-472~~

13 ~~through 61-3-481 and this section, the~~ Subject to rules adopted pursuant to [section 1], the board may sponsor
14 a ~~generic specialty~~ license plate decal designed as a patriotic salute to Montana's military veterans.

15 (2) A Montana resident may purchase a patriotic ~~plates~~ decal for a \$15 surcharge to be paid for each
16 ~~original set of plates and each renewal~~ decal. ~~The surcharge is in addition to the one-time administrative fee~~
17 ~~charged pursuant to 61-3-480(1).~~

18 (3) The surcharge collected pursuant to this section must be ~~remitted as provided in 61-3-480 and~~
19 deposited to the veterans' services account established in 10-2-112(1)."

20

21 **Section 7.** Section 15-1-121, MCA, is amended to read:

22 **"15-1-121. Entitlement share payment -- appropriation. (1)** The amount calculated pursuant to this

23 subsection, as adjusted pursuant to subsection (3)(a)(i), is each local government's base entitlement share. The
24 department shall estimate the total amount of revenue that each local government received from the following
25 sources for the fiscal year ending June 30, 2001:

26 (a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter
27 584, Laws of 1999;

28 (b) vehicle, boat, and aircraft taxes and fees pursuant to:

29 (i) Title 23, chapter 2, part 5;

30 (ii) Title 23, chapter 2, part 6;

- 1 (iii) Title 23, chapter 2, part 8;
- 2 (iv) 61-3-317;
- 3 (v) 61-3-321;
- 4 (vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment
5 of 61-3-509 in 2001;
- 6 (vii) Title 61, chapter 3, part 7;
- 7 (viii) 5% of the fees collected under 61-10-122;
- 8 (ix) 61-10-130;
- 9 (x) 61-10-148; and
- 10 (xi) 67-3-205;
- 11 (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
- 12 (d) district court fees pursuant to:
- 13 (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
- 14 (ii) 25-1-202;
- 15 (iii) 25-9-506; and
- 16 (iv) 27-9-103;
- 17 (e) certificate of title fees for manufactured homes pursuant to 15-1-116;
- 18 (f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;
- 19 (g) all beer, liquor, and wine taxes pursuant to:
- 20 (i) 16-1-404;
- 21 (ii) 16-1-406; and
- 22 (iii) 16-1-411;
- 23 (h) late filing fees pursuant to 61-3-220;
- 24 (i) title and registration fees pursuant to 61-3-203;
- 25 (j) veterans' cemetery license plate decal fees pursuant to 61-3-459;
- 26 (k) county personalized license plate fees pursuant to 61-3-406;
- 27 (l) special mobile equipment fees pursuant to 61-3-431;
- 28 (m) single movement permit fees pursuant to 61-4-310;
- 29 (n) state aeronautics fees pursuant to 67-3-101; and
- 30 (o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77,

1 chapter 1, part 5.

2 (2) (a) From the amounts estimated in subsection (1) for each county government, the department shall
3 deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court
4 expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by
5 the state in fiscal year 2002.

6 (b) The amount estimated pursuant to subsections (1) and (2)(a) is each local government's base year
7 component. The sum of all local governments' base year components is the base year entitlement share pool.
8 For the purpose of calculating the sum of all local governments' base year components, the base year component
9 for a local government may not be less than zero.

10 (3) (a) The base year entitlement share pool must be increased annually by a growth rate as provided
11 for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement
12 share pool for each fiscal year. By October 1 of each even-numbered year, the department shall calculate the
13 growth rate of the entitlement share pool for each year of the next biennium in the following manner:

14 (i) Before applying the growth rate for fiscal year 2007 to determine the fiscal year 2007 entitlement share
15 payments, the department shall subtract from the fiscal year 2006 entitlement share payments the following
16 amounts:

17 Beaverhead	\$6,972
18 Big Horn	\$52,551
19 Blaine	\$13,625
20 Broadwater	\$2,564
21 Carbon	\$11,537
22 Carter	\$407
23 Cascade	\$100,000
24 Chouteau	\$3,536
25 Custer	\$7,011
26 Daniels	\$143
27 Dawson	\$3,893
28 Fallon	\$1,803
29 Fergus	\$9,324
30 Flathead	\$100,000

1	Gallatin	\$160,000
2	Garfield	\$91
3	Glacier	\$3,035
4	Golden Valley	\$2,282
5	Granite	\$4,554
6	Hill	\$31,740
7	Jefferson	\$5,700
8	Judith Basin	\$1,487
9	Lake	\$38,314
10	Lewis and Clark	\$160,000
11	Liberty	\$152
12	Lincoln	\$3,759
13	Madison	\$8,805
14	McCone	\$1,651
15	Meagher	\$2,722
16	Mineral	\$2,361
17	Missoula	\$200,000
18	Musselshell	\$23,275
19	Park	\$6,582
20	Petroleum	\$36
21	Phillips	\$653
22	Pondera	\$10,270
23	Powder River	\$848
24	Powell	\$5,146
25	Prairie	\$717
26	Ravalli	\$93,090
27	Richland	\$3,833
28	Roosevelt	\$9,526
29	Rosebud	\$19,971
30	Sanders	\$30,712

1	Sheridan	\$271
2	Stillwater	\$12,117
3	Sweet Grass	\$2,463
4	Teton	\$5,560
5	Toole	\$7,113
6	Treasure	\$54
7	Valley	\$6,899
8	Wheatland	\$918
9	Wibaux	\$72
10	Yellowstone	\$270,000
11	Anaconda-Deer Lodge	\$20,707
12	Butte-Silver Bow	\$53,057
13	Alberton	\$675
14	Bainville	\$258
15	Baker	\$2,828
16	Bearcreek	\$143
17	Belgrade	\$11,704
18	Belt	\$1,056
19	Big Sandy	\$1,130
20	Big Timber	\$2,910
21	Billings	\$163,499
22	Boulder	\$2,340
23	Bozeman	\$52,805
24	Bridger	\$1,303
25	Broadus	\$766
26	Broadview	\$258
27	Brockton	\$414
28	Browning	\$1,830
29	Cascade	\$1,374
30	Chester	\$1,430

1	Chinook	\$2,275
2	Choteau	\$3,050
3	Circle	\$1,018
4	Clyde Park	\$572
5	Colstrip	\$4,090
6	Columbia Falls	\$6,805
7	Columbus	\$3,245
8	Conrad	\$4,562
9	Culbertson	\$1,216
10	Cut Bank	\$5,316
11	Darby	\$1,348
12	Deer Lodge	\$5,708
13	Denton	\$503
14	Dillon	\$6,928
15	Dodson	\$194
16	Drummond	\$561
17	Dutton	\$661
18	East Helena	\$2,888
19	Ekalaka	\$689
20	Ennis	\$1,518
21	Eureka	\$1,733
22	Fairfield	\$1,120
23	Fairview	\$1,152
24	Flaxville	\$143
25	Forsyth	\$3,286
26	Fort Benton	\$2,579
27	Fort Peck	\$393
28	Froid	\$328
29	Fromberg	\$855
30	Geraldine	\$457

1	Glasgow	\$5,361
2	Glendive	\$8,099
3	Grass Range	\$254
4	Great Falls	\$96,422
5	Hamilton	\$7,148
6	Hardin	\$5,920
7	Harlem	\$1,422
8	Harlowton	\$1,678
9	Havre	\$16,223
10	Helena	\$45,877
11	Hingham	\$263
12	Hobson	\$397
13	Hot Springs	\$912
14	Hysham	\$482
15	Ismay	\$43
16	Joliet	\$1,006
17	Jordan	\$606
18	Judith Gap	\$263
19	Kalispell	\$28,144
20	Kevin	\$304
21	Laurel	\$10,804
22	Lavina	\$361
23	Lewistown	\$10,170
24	Libby	\$4,475
25	Lima	\$397
26	Livingston	\$12,145
27	Lodge Grass	\$889
28	Malta	\$3,389
29	Manhattan	\$2,485
30	Medicine Lake	\$410

1	Melstone	\$234
2	Miles City	\$14,152
3	Missoula	\$104,264
4	Moore	\$319
5	Nashua	\$536
6	Neihart	\$149
7	Opheim	\$180
8	Outlook	\$125
9	Philipsburg	\$1,612
10	Pinesdale	\$1,413
11	Plains	\$2,007
12	Plentywood	\$3,185
13	Plevna	\$225
14	Polson	\$7,722
15	Poplar	\$1,544
16	Red Lodge	\$3,903
17	Rexford	\$263
18	Richey	\$309
19	Ronan	\$3,262
20	Roundup	\$3,280
21	Ryegate	\$465
22	Saco	\$354
23	Scobey	\$1,798
24	Shelby	\$5,677
25	Sheridan	\$1,150
26	Sidney	\$7,747
27	Stanford	\$737
28	Stevensville	\$3,063
29	St. Ignatius	\$1,367
30	Sunburst	\$709

1	Superior	\$1,521
2	Terry	\$1,011
3	Thompson Falls	\$2,272
4	Three Forks	\$3,130
5	Townsend	\$3,286
6	Troy	\$1,654
7	Twin Bridges	\$695
8	Valier	\$817
9	Virginia City	\$223
10	Walkerville	\$1,183
11	West Yellowstone	\$2,083
12	Westby	\$263
13	White Sulphur Springs	\$1,734
14	Whitefish	\$9,932
15	Whitehall	\$1,889
16	Wibaux	\$893
17	Winifred	\$259
18	Winnett	\$314
19	Wolf Point	\$4,497

20 (ii) The department shall calculate the average annual growth rate of the Montana gross state product,
 21 as published by the bureau of economic analysis of the United States department of commerce, for the following
 22 periods:

23 (A) the last 4 calendar years for which the information has been published; and

24 (B) the 4 calendar years beginning with the year before the first year in the period referred to in
 25 subsection (3)(a)(ii)(A).

26 (iii) The department shall calculate the average annual growth rate of Montana personal income, as
 27 published by the bureau of economic analysis of the United States department of commerce, for the following
 28 periods:

29 (A) the last 4 calendar years for which the information has been published; and

30 (B) the 4 calendar years beginning with the year before the first year in the period referred to in

1 subsection (3)(a)(iii)(A).

2 (b) (i) The entitlement share pool growth rate for the first year of the biennium must be the following
3 percentage of the average of the growth rates calculated in subsections (3)(a)(ii)(B) and (3)(a)(iii)(B):

4 (A) for counties, 54%;

5 (B) for consolidated local governments, 62%; and

6 (C) for incorporated cities and towns, 70%.

7 (ii) The entitlement share pool growth rate for the second year of the biennium must be the following
8 percentage of the average of the growth rates calculated in subsections (3)(a)(ii)(A) and (3)(a)(iii)(A):

9 (A) for counties, 54%;

10 (B) for consolidated local governments, 62%; and

11 (C) for incorporated cities and towns, 70%.

12 (4) As used in this section, "local government" means a county, a consolidated local government, an
13 incorporated city, and an incorporated town. A local government does not include a tax increment financing
14 district provided for in subsection (6). For purposes of calculating the base year component for a county or
15 consolidated local government, the department shall include the revenue listed in subsection (1) for all special
16 districts within the county or consolidated local government. The county or consolidated local government is
17 responsible for making an allocation from the county's or consolidated local government's share of the entitlement
18 share pool to each special district within the county or consolidated local government in a manner that reasonably
19 reflects each special district's loss of revenue sources listed in subsection (1).

20 (5) (a) The entitlement share pools calculated in this section and the block grants provided for in
21 subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for
22 distribution to local governments. Each local government is entitled to a pro rata share of each year's entitlement
23 share pool based on the local government's base component in relation to the base year entitlement share pool.
24 The distributions must be made on a quarterly basis.

25 (b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year
26 and the entitlement share pool in the previous fiscal year. For the purposes of subsection (5)(b)(ii)(A), a county
27 with a negative base year component has a base year component of zero. The growth factor in the entitlement
28 share must be calculated separately for:

29 (A) counties;

30 (B) consolidated local governments; and

1 (C) incorporated cities and towns.

2 (ii) In each fiscal year, the growth amount for counties must be allocated as follows:

3 (A) 50% of the growth amount must be allocated based upon each county's percentage of the base year
4 entitlement share pool for all counties; and

5 (B) 50% of the growth amount must be allocated based upon the percentage that each county's
6 population bears to the state population not residing within consolidated local governments as determined by the
7 latest interim year population estimates from the Montana department of commerce as supplied by the United
8 States bureau of the census.

9 (iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as
10 follows:

11 (A) 50% of the growth amount must be allocated based upon each consolidated local government's
12 percentage of the base year entitlement share pool for all consolidated local governments; and

13 (B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local
14 government's population bears to the state's total population residing within consolidated local governments as
15 determined by the latest interim year population estimates from the Montana department of commerce as
16 supplied by the United States bureau of the census.

17 (iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

18 (A) 50% of the growth amount must be allocated based upon each incorporated city's or town's
19 percentage of the base year entitlement share pool for all incorporated cities and towns; and

20 (B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's
21 population bears to the state's total population residing within incorporated cities and towns as determined by the
22 latest interim year population estimates from the Montana department of commerce as supplied by the United
23 States bureau of the census.

24 (v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount
25 is distributed to each local government in the same manner as the entitlement share pool was distributed in the
26 prior fiscal year.

27 (6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30,
28 2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing district
29 referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b) terminates.

30 (b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and

1 the other half by May 31 of each year. Subject to subsection (6)(a), the entitlement share for tax increment
2 financing districts is as follows:

3	Cascade	Great Falls - downtown	\$468,966
4	Deer Lodge	TIF District 1	3,148
5	Deer Lodge	TIF District 2	3,126
6	Flathead	Kalispell - District 1	758,359
7	Flathead	Kalispell - District 2	5,153
8	Flathead	Kalispell - District 3	41,368
9	Flathead	Whitefish District	164,660
10	Gallatin	Bozeman - downtown	34,620
11	Lewis and Clark	Helena - #2	731,614
12	Missoula	Missoula - 1-1B & 1-1C	1,100,507
13	Missoula	Missoula - 4-1C	33,343
14	Silver Bow	Butte - uptown	283,801
15	Yellowstone	Billings	436,815

16 (7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local
17 governments do not include revenue received from countywide transportation block grants or from countywide
18 retirement block grants.

19 (8) (a) If revenue that is included in the sources listed in subsections (1)(b) through (1)(o) is significantly
20 reduced, except through legislative action, the department shall deduct the amount of revenue loss from the
21 entitlement share pool beginning in the succeeding fiscal year and the department shall work with local
22 governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of
23 revenue.

24 (b) For the purposes of subsection (8)(a), a significant reduction is a loss that causes the amount of
25 revenue received in the current year to be less than 95% of the amount of revenue received in the base year.

26 (9) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated
27 pursuant to subsections (1) through (3).

28 (10) When there has been an underpayment of a local government's share of the entitlement share pool,
29 the department shall distribute the difference between the underpayment and the correct amount of the
30 entitlement share. When there has been an overpayment of a local government's entitlement share, the local

1 government shall remit the overpaid amount to the department.

2 (11) A local government may appeal the department's estimation of the base year component, the
3 entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according
4 to the uniform dispute review procedure in 15-1-211.

5 (12) A payment required pursuant to this section may not be offset by a debt owed to a state agency by
6 a local government in accordance with Title 17, chapter 4, part 1."

7

8 **Section 8.** Section 44-4-205, MCA, is amended to read:

9 **"44-4-205. Use of confidential plates and registrations.** (1) ~~Such~~ A confidential license plates plate
10 and ~~registrations~~ registration may be displayed and used only during and in the furtherance of official law
11 enforcement investigations or for purposes as authorized in 44-4-201(2).

12 (2) ~~Such~~ A confidential plates plate and ~~certificates~~ certificate of registration may be used outside the
13 state by ~~a federal agencies and agency or state agencies~~ agency upon application to the attorney general."

14

15 **Section 9.** Section 44-4-206, MCA, is amended to read:

16 **"44-4-206. Revocation.** ~~Such registrations~~ A confidential registration may be revoked at any time by the
17 attorney general at ~~his~~ the attorney general's discretion. On delivery of notice of revocation, the registrant shall,
18 within 24 hours, deliver ~~such~~ the license plates plate and certificate of registration to the attorney general or
19 ~~his~~ the attorney general's duly appointed agent."

20

21 **Section 10.** Section 49-4-301, MCA, is amended to read:

22 **"49-4-301. Eligibility for special parking permit.** (1) The department of justice shall issue a special
23 parking permit to a person who has a disability that limits or impairs the person's mobility and for whom a licensed
24 physician, a licensed chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202,
25 submits a certification to the department, by electronic or other means prescribed by the department, that the
26 person meets one of the following criteria:

- 27 (a) cannot walk 200 feet without stopping to rest;
- 28 (b) is severely limited in ability to walk because of an arthritic, neurological, or orthopedic condition;
- 29 (c) is so severely disabled that the person cannot walk without the use of or assistance from a brace,
30 cane, another person, prosthetic device, wheelchair, or other assistive device;

- 1 (d) uses portable oxygen;
- 2 (e) is restricted by lung disease to the extent that forced expiratory respiratory volume, when measured
3 by spirometry, is less than 1 liter per second or the arterial oxygen tension is less than 60 mm/hg on room air at
4 rest;
- 5 (f) has impairment because of cardiovascular disease or a cardiac condition to the extent that the
6 person's functional limitations are classified as class III or IV under standards accepted by the American heart
7 association; or
- 8 (g) has a disability resulting from an acute sensitivity to automobile emissions or from another disease
9 or physical condition that limits or impairs the person's mobility and that is documented by the licensed physician,
10 the licensed chiropractor, or the licensed advanced practice registered nurse as being comparable in severity to
11 the other conditions listed in this subsection (1).
- 12 (2) (a) A person who has a condition expected to improve within 6 months may be issued a temporary
13 placard for a period not to exceed 6 months but may not be issued a special license plate under 61-3-332~~(9)~~(8).
14 If the condition exists after 6 months, a new temporary placard must be issued for the time period prescribed by
15 the applicant's physician, chiropractor, or advanced practice registered nurse, not to exceed 24 months, upon
16 receipt of a later paper or electronic certification from the disabled person's physician, chiropractor, or advanced
17 practice registered nurse that the conditions specified in subsection (1) continue to exist and are expected to
18 continue for the time specified.
- 19 (b) A person who meets one of the criteria in subsection (1) for what is considered to be a permanent
20 condition, as determined by a licensed physician, a licensed chiropractor, or a licensed advanced practice
21 registered nurse, may, by application to the department, by electronic or other means prescribed by the
22 department, be issued a special license plate under 61-3-332~~(9)~~(8) and is not required to reapply for the special
23 license plate when the vehicle is reregistered.
- 24 (3) The department of justice may issue special parking permits to an agency or business that provides
25 transportation as a service for persons with a disability. The permits must be used only to load and unload
26 persons with a disability in the special parking place provided for in 49-4-302. As used in this subsection,
27 "disability" means a physical impairment that severely limits a person's ability to walk.
- 28 (4) Except as provided in subsection (3), an applicant may not receive more than one permit.
29

30 **Section 11.** Section 49-4-302, MCA, is amended to read:

1 **"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time**
 2 **limits -- requirements for special parking spaces.** (1) The parking permit issued under this part, when
 3 displayed, entitles a person to park a motor vehicle in a special parking space reserved for a person with a
 4 disability, whether on public property or on private property available for public use, when the person for whom
 5 the permit was issued is using the special parking space to enter or exit the vehicle.

6 (2) A vehicle may not be parked in a parking space on public or private property that is clearly identified
 7 by an official sign as being reserved for use by a person with a disability unless:

8 (a) the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate
 9 or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges
 10 similar to those conferred in subsection (1), or a specially inscribed license plate displaying the letters "DV" issued
 11 under ~~61-3-458(3)(b) or (3)(i)~~ 61-3-332(8)(b) or displaying a wheelchair as provided in ~~61-3-332(9)(8)(a)~~;

12 (b) the reserved parking space is being used by the person for whom the permit, plate, or placard was
 13 issued to enter or exit the vehicle.

14 (3) The governing body of a city, town, or county may exempt ~~vehicles~~ a vehicle lawfully displaying a
 15 parking ~~permits~~ permit issued under this part and ~~vehicles~~ a vehicle lawfully displaying a specially inscribed
 16 license ~~plates~~ plate displaying the letters "DV" issued under ~~61-3-458(3)(b) or (3)(i)~~ 61-3-332(8)(b) or displaying
 17 a wheelchair as provided in ~~61-3-332(9)(8)(a)~~ and parked in public places along public streets from any time
 18 limitation imposed upon parking, except in areas where:

19 (a) stopping, standing, or parking of all vehicles is prohibited;

20 (b) only special vehicles may be parked; or

21 (c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

22 (4) In accordance with subsection (2), the governing body of a city, town, or county or appropriate state
 23 agency may impose all, but not less than all, of the following requirements with respect to any special parking
 24 space constructed after September 30, 1985, and reserved for a person with a disability or a permitholder on
 25 ways of this state open to the public, as defined in 61-8-101:

26 (a) The space must be located on a smooth, level surface as near as practicable to building entrances
 27 or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate
 28 wheelchairs.

29 (b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the front
 30 or the rear, by at least 5 feet of striped no-parking area.

1 (c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of obstruction if
 2 located at the end of a line of angle parking spaces, and each other angle parking space designated for a person
 3 with a disability must be at least 13 feet wide.

4 (d) A parking space reserved for a person with a disability must be designated by a sign showing the
 5 international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation.
 6 In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a
 7 decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured
 8 by a vehicle parked in the space."

9

10 **Section 12.** Section 49-4-304, MCA, is amended to read:

11 **"49-4-304. Special license plate or card to be provided and displayed -- additional cards allowed**
 12 **for owners of more than one vehicle.** (1) Except as authorized in 49-4-303, unless the department of justice
 13 issued a special license plate under 61-3-332(9)(8) or ~~61-3-458(3)(b) or (3)(i)~~ indicating a special parking
 14 privilege, the department shall provide a card to be displayed on or in a motor vehicle to indicate a parking
 15 privilege granted under this part. The special license plate must be affixed to the vehicle according to 61-3-301,
 16 or the card must be prominently displayed in the windshield of a vehicle when the parking privilege is being used
 17 by the person with a disability in a vehicle other than the one to which a special license plate is affixed.

18 (2) Subject to the provisions of 49-4-301 through 49-4-305, a person who is eligible to receive a special
 19 parking permit and who owns more than one motor vehicle may request and the department of justice shall
 20 provide additional cards described in subsection (1) to equal the number of motor vehicles, other than commercial
 21 vehicles, owned by the person.

22 (3) Upon application under 49-4-301, a person with a disability who does not hold a driver's license or
 23 does not own a vehicle may receive a card described in subsection (1) to be displayed in a vehicle in which the
 24 person with a disability is being conveyed when the parking privilege is being used.

25 (4) The card must bear a representation of a wheelchair as the symbol of a person with a disability."
 26

27 **Section 13.** Section 61-1-101, MCA, is amended to read:

28 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
 29 definitions apply:

30 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department

1 and is specifically authorized by the department to electronically access and update the department's motor
2 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or
3 purposes upon behalf of a third party.

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

8 (2) "Authorized agent agreement" means the written agreement executed between an authorized agent
9 and the department that sets the technical and operational program standards, compliance criteria, payment
10 options, and service expectations by which the authorized agent is required to operate in performing specific
11 motor vehicle or driver-related record functions.

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

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

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

18 (5) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to
19 an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a
20 cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

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

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

26 (7) "Commercial driver's license" means:

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

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

1 (8) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
2 commerce to transport passengers or property if the vehicle:

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

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

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

8 (iv) is a school bus; or

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

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

11 (i) an authorized emergency service vehicle:

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

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

14 (ii) a vehicle:

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

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

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

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

24 (c) For purposes of this subsection (8):

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

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

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

- 1 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 2 (9) "Commission" means the state transportation commission.
- 3 (10) "Custom-built motorcycle" means a motorcycle that is equipped with:
- 4 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
- 5 altered from the manufacturer's original design;
- 6 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
- 7 constructed in whole or in part from nonoriginal materials.
- 8 (11) "Custom vehicle" means a motor vehicle other than a motorcycle that:
- 9 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or
- 10 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
- 11 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
- 12 25 years old; and
- 13 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
- 14 materials.
- 15 (12) "Customer identification number" means:
- 16 (a) a driver's license or identification card number when the customer is an individual who has been
- 17 issued a driver's license or identification card by a state driver licensing authority;
- 18 (b) a federal employer or tax identification number when the customer is a business entity that has been
- 19 issued a federal employer or tax identification number;
- 20 (c) the identification number assigned by the secretary of state to a business entity authorized to do
- 21 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
- 22 or tax identification number other than a social security number; or
- 23 (d) if the customer has not been issued one of the numbers described in subsections (12)(a) through
- 24 (12)(c), a number assigned to the customer by the department when a transaction is initiated under this title.
- 25 (13) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the
- 26 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
- 27 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
- 28 mobile equipment that is not registered in the name of the person.
- 29 (b) The term does not include the following:
- 30 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting

1 under a judgment or order of any court of competent jurisdiction;

2 (ii) employees of the persons included in subsection (13)(b)(i) when engaged in the specific performance
3 of their duties as employees; or

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

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

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

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

11 (17) "Domiciled" means a place where:

12 (a) an individual establishes residence;

13 (b) a business entity maintains its principal place of business;

14 (c) the business entity's registered agent maintains an address; or

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

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

18 (19) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by
19 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 (20) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is
26 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 (21) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either
29 directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which
30 a remuneration is obtained or derived for transportation service.

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

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

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

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

10 (26) "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 (27) "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 (28) "Manufactured home" has the meaning provided in 15-24-201.

17 (29) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
18 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular
19 business.

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

25 (31) (a) "Medium-speed electric vehicle" is a motor vehicle, upon or by which a person may be
26 transported, that:

27 (i) has a maximum speed of 35 miles an hour as certified by the manufacturer;

28 (ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical
29 energy into the motion of the vehicle;

30 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power

1 grid or from renewable electrical energy sources;

2 (iv) is fully enclosed and includes at least one door for entry;

3 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

4 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
5 identification number as provided in 49 CFR, part 565;

6 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
7 indicates the vehicle's maximum speed rating; and

8 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

9 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
10 registration under Title 61, chapter 3.

11 (32) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

12 (33) "Montana resident" means:

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

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

16 (34) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
17 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
18 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

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

21 (35) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by
22 a court that are operating motor vehicles upon a public highway in this state for the transportation of property for
23 hire on a commercial basis.

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

25 (36) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that
26 is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or
27 more attachments and a seat for the conveyance of a passenger.

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

30 (37) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces

1 5 horsepower or less.

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

3 (38) "Motor home" means a motor vehicle:

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

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

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

9 (i) cooking, refrigeration, or icebox;

10 (ii) self-contained toilet;

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

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

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

14 (39) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
15 transported, that:

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

17 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

18 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
19 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

20 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a
21 "pocket rocket".

22 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
23 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
24 person.

25 (40) (a) "Motor vehicle" means:

26 (i) a vehicle propelled by its own power and designed or used to transport persons or property upon the
27 highways of the state; and

28 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9.

29 (b) The term does not include a bicycle as defined in 61-8-102, an electric personal assistive mobility
30 device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled

1 vehicle that is designed specifically for use by a physically disabled person and that is used as a means of
2 mobility for that person.

3 (41) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or
4 equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as
5 the result of a retail sale.

6 (42) "Nonresident" means a person who is not a Montana resident.

7 (43) (a) "Not used for general transportation purposes" means the operation of a motor vehicle, registered
8 as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle
9 club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation activity.

10 (b) The term does not include operation of a motor vehicle for routine or ordinary household
11 maintenance, employment, education, or other similar purposes.

12 (44) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
13 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
14 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land
15 transportation deriving motive power from any source other than muscle or wind.

16 (b) The term does not include:

17 (i) vehicles designed primarily for travel on, over, or in the water;

18 (ii) snowmobiles; or

19 (iii) motor vehicles designed to transport persons or property upon the highways unless the vehicle is
20 used for off-road recreation on public lands.

21 (45) "Operator" means a person who is in actual physical control of a motor vehicle.

22 (46) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
23 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
24 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
25 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
26 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
27 person in whom is vested the right of possession or control.

28 (47) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

29 (48) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering
30 a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,

1 standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

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

6 (50) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
7 violations of traffic regulations.

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

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

11 (52) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon
12 stationary rails.

13 (53) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
14 coupled to the engine, that is operated upon rails.

15 (b) The term does not include streetcars.

16 (54) "Recreational vehicle" includes a motor home, travel trailer, or camper.

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

20 (56) "Registration decal" means an adhesive sticker produced by the department and issued by the
21 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
22 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
23 registration period indicated on the sticker as recorded by the department under 61-3-101.

24 (57) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
25 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
26 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
27 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
28 vehicle for the registration period indicated in the receipt.

29 (58) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
30 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes

1 other than resale.

2 (59) "Revocation" means the termination by action of the department of a person's driver's license,
3 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license
4 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or
5 exercised. An application for a new license may be presented and acted upon by the department after the
6 expiration of the period of the revocation.

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

10 (61) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

12 (62) "Sell" means to transfer ownership from one person to another person or from a dealer to another
13 person for consideration.

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

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

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

25 (66) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

30 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from

1 other vehicles;

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

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

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

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

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

10 (68) (a) "Stop", when required, means complete cessation from movement.

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

14 (69) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
15 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
16 space at the dealer's established place of business is not available.

17 (70) "Street" means the entire width between the boundary lines of every publicly maintained way when
18 any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

19 (71) "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

24 (72) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
25 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's
26 license for a period of time designated by law.

27 (73) "Temporary registration permit" means a paper record:

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

1 (i) required vehicle and owner information; and

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

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

7 (74) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances
8 either singly or together while using any highways for purposes of travel.

9 (75) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
10 carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon
11 the towing vehicle.

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

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

18 (77) "Travel trailer" means a vehicle:

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

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

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

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

24 (78) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
25 transportation of property.

26 (79) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and
27 not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

28 (80) "Under the influence" has the meaning provided in 61-8-401.

29 (81) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, given
30 away, or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer,

1 wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is
2 commonly known as "secondhand" within the ordinary meaning of that term.

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

5 (83) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported or
6 drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
7 or tracks.

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

11 (84) "Vehicle identification number" means the number, letters, or combination of numbers and letters
12 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
13 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

14 (85) "Vessel" means every description of watercraft, unless otherwise defined by the department, other
15 than a seaplane on the water, used or capable of being used as a means of transportation on water.

16 (86) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of money
17 or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor
18 vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile
19 equipment only to dealers and auto auctions licensed under chapter 4, part 1."

20

21 **Section 14.** Section 61-3-224, MCA, is amended to read:

22 **"61-3-224. Temporary registration permit -- issuance -- placement -- fees.** (1) (a) The department,
23 an authorized agent, or a county treasurer may issue a temporary registration permit to:

24 (i) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,
25 motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the
26 vehicle or vessel prior to titling and registration of the vehicle or vessel under this chapter;

27 (ii) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior
28 to applying for a new certificate of title under 61-3-212;

29 (iii) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation
30 of the vehicle while awaiting production and receipt of a special or duplicate license ~~plates~~ plate ordered for the

1 vehicle under this chapter;

2 (iv) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state
3 for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of
4 residence;

5 (v) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply
6 fertilizer to agricultural lands into the state for special demonstration in this state; or

7 (vi) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle
8 that the financial institution has obtained following repossession.

9 (b) An authorized agent or a county treasurer may issue a temporary registration permit without use of
10 the department-approved electronic interface only if authorized by the department.

11 (2) A person, using a department-approved electronic interface, may issue a temporary registration
12 permit for the specified purposes if the person is:

13 (a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,
14 motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the
15 vehicle or vessel prior to titling and registration of the vehicle or vessel under this chapter;

16 (b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior
17 to applying for a new certificate of title under 61-3-212;

18 (c) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state
19 for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of
20 residence; or

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

23 (3) A temporary registration permit issued under this section must contain the following information:

24 (a) a temporary plate number, registration receipt number, or transaction record number, as prescribed
25 by the department;

26 (b) the expiration date of the temporary registration permit; and

27 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
28 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
29 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
30 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and

1 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
2 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

3 (4) A temporary registration permit for:

4 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the
5 rear exterior of the vehicle where a license plate is required to be displayed; and

6 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle
7 must be plainly visible and firmly attached to the vehicle or vessel.

8 (5) (a) Except as provided in 61-3-431 and subsection (5)(b) of this section, a \$3 fee is imposed upon
9 issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The
10 fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent,
11 or a county treasurer when the vehicle is registered.

12 (b) Except as provided in 61-3-431, a fee of \$8 is imposed and must be paid upon issuance of a
13 temporary registration permit by:

14 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires
15 a vehicle or vessel in this state; or

16 (ii) a person who issued a temporary registration permit using a department-approved electronic interface.

17 (6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited
18 in the motor vehicle electronic commerce operating account provided for in 61-3-118.

19 (7) If a temporary registration permit is issued under this section to a person to whom ownership of a
20 vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or
21 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."

22

23 **Section 15.** Section 61-3-301, MCA, is amended to read:

24 **"61-3-301. Registration -- license plate required -- display.** (1) (a) Except as provided in 61-4-120;
25 ~~and 61-4-129, and subsection (1)(b) of this section,~~ a person may not operate a motor vehicle, trailer, semitrailer,
26 pole trailer, or travel trailer upon the public highways of Montana unless the motor vehicle, trailer, semitrailer, pole
27 trailer, or travel trailer is properly registered and has the proper license ~~plates~~ plate conspicuously displayed on
28 the rear of the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer. ~~A~~ The license plate must be securely
29 fastened to prevent it from swinging and may not be obstructed from plain view.

30 ~~(b) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must have a single license~~

1 ~~plate displayed on the rear of the vehicle. A custom vehicle or street rod registered under 61-3-320(1)(b) or~~
 2 ~~(1)(c)(iii) may display a single license plate firmly attached to the rear exterior of the custom vehicle or street rod.~~
 3 ~~All other motor vehicles must have one license plate displayed on the front and one license plate displayed on~~
 4 ~~the rear of the motor vehicle.~~

5 ~~——(c)(b)~~ A person may not display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer at the
 6 same time a number assigned to it under any motor vehicle law except as provided in this chapter.

7 (2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, pole trailer, or travel
 8 trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county
 9 where the vehicle is domiciled or the county where the trailer, semitrailer, pole trailer, or travel trailer is domiciled
 10 at the time of application for registration.

11 (3) It is unlawful to:

12 (a) display a license plates plate issued to one motor vehicle, trailer, semitrailer, pole trailer, or travel
 13 trailer on any other motor vehicle, trailer, semitrailer, pole trailer, or travel trailer unless legally transferred as
 14 provided by statute;

15 (b) repaint old license plates to resemble current license plates; or

16 (c) display a prior design of standard license plates issued under 61-3-332(3)(a) or special license plates
 17 issued under ~~61-3-332(8)~~ or 61-3-421 more than 18 months after a new design of standard license plates or
 18 special license plates has been issued, except as provided in 61-3-332(3)(b) and (3)(c), ~~61-3-448, or 61-3-468.~~

19 (4) For the purposes of this section, "conspicuously displayed" means that the required license ~~plates~~
 20 ~~are~~ plate is obviously visible and firmly attached to:

21 (a) ~~the front bumper and the rear bumper of a motor vehicle equipped with front and a rear bumpers~~
 22 bumper, ~~except for a custom vehicle or street rod as provided in subsection (1)(b);~~

23 (b) the rear exterior of a custom vehicle or street rod; or

24 ~~(b)(c)~~ a clearly visible location on the rear of a motorcycle, quadricycle, trailer, semitrailer, pole trailer,
 25 ~~or travel trailer, or motor vehicle that is not equipped with a rear bumper."~~

26

27 **Section 16.** Section 61-3-302, MCA, is amended to read:

28 **"61-3-302. Residents operating motor vehicles under licenses issued by any state other than**
 29 **Montana forbidden -- vehicles exempt from registration -- exceptions.** (1) (a) A resident of the state of
 30 Montana who owns a motor vehicle, trailer, semitrailer, or pole trailer may not operate the motor vehicle, trailer,

1 semitrailer, or pole trailer with a license ~~plates~~ plate issued by any other state than Montana.

2 (b) A person who has resided in Montana for more than 60 consecutive days is considered to be a
3 resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole
4 trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this state
5 after the 60-day period.

6 (2) A motor vehicle, trailer, semitrailer, or pole trailer driven or moved upon a highway in this state and
7 owned by a nonresident of this state is exempt from registration under this chapter if:

8 (a) the vehicle is properly registered in and displays the valid license ~~plates~~ plate of the jurisdiction in
9 which the nonresident owner resides; and

10 (b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation, or profit;

11 (ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in this
12 state; or

13 (iii) the vehicle is used for the exclusive purpose of filming motion pictures or television commercials and
14 does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

15 (3) A motor vehicle, trailer, semitrailer, or pole trailer that is owned by a manufacturer, a dealer, a
16 wholesaler, or an auto auction and that is held for sale is exempt from registration under this part even though
17 the motor vehicle, trailer, semitrailer, or pole trailer is incidentally moved on the highway and is used for purposes
18 of testing or demonstration or is used by a manufacturer solely for testing.

19 (4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking graveyard
20 for disposal is exempt from the provisions of this chapter."

21

22 **Section 17.** Section 61-3-303, MCA, is amended to read:

23 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana
24 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways
25 of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer
26 in the county where the owner is domiciled.

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

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

30 (b) the county treasurer confirms that the department has an electronic record of title for the motor

1 vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

2 (3) (a) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which a
3 certificate of title and registration were issued in another jurisdiction and for which registration is required under
4 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and
5 receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer,
6 semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that
7 the electronic record of registration maintained by the department is complete.

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

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

14 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
15 61-3-101;

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

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

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

19 and

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

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

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

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

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

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

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

29 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
30 61-3-321 and 61-3-529; or

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

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

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

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

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

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

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

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

29 (10) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded
30 by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to

1 the credit of the account established in 2-15-2218 to support activities related to education regarding prevention
2 of traumatic brain injury."

3

4 **Section 18.** Section 61-3-311, MCA, is amended to read:

5 **"61-3-311. Registration -- time periods -- decal.** (1) Unless a motor vehicle, trailer, semitrailer, or pole
6 trailer is subject to permanent registration under this title and except as provided in 61-3-313, 61-3-701, 61-3-721,
7 and subsection (3) of this section, the department, an authorized agent, or a county treasurer shall, upon original
8 registration of a motor vehicle in this state, assign each motor vehicle to a registration period, as provided in
9 61-3-316, based upon the calendar month in which the motor vehicle is first registered in this state and designate
10 the calendar year in which the current registration will expire.

11 (2) Each registration period commences on the first day of the calendar month in the calendar year in
12 which the motor vehicle is registered and the motor vehicle's registration expires on the earlier of:

13 (a) the last day of the month preceding the anniversary of the registration period for the year designated
14 on the motor vehicle's registration decal if the motor vehicle is registered for a minimum 12-month period;

15 (b) the last day of the month preceding the anniversary of the registration period for the year designated
16 on the motor vehicle's registration decal if the motor vehicle is registered for a period of at least 13 but less than
17 25 months; or

18 (c) the transfer of ownership of the motor vehicle, trailer, semitrailer, or pole trailer to another person.

19 (3) (a) Upon request of the motor vehicle owner, a county treasurer may assign a motor vehicle to a
20 registration period, as provided in 61-3-316, other than a registration period beginning in the calendar month in
21 which the motor vehicle is first registered in this state if at least 13 but less than 25 months will elapse between
22 the first day of the calendar month in which the motor vehicle is registered and the last day of the month
23 preceding the anniversary of the requested registration period in the year designated on the motor vehicle's
24 registration decal.

25 (b) The county treasurer shall determine fees imposed for a motor vehicle registered for a period
26 between 13 and 24 months. All registration fees, fees in lieu of tax, or local option taxes or fees that are imposed
27 on an annual basis must be prorated based on the number of months in the requested registration period.

28 (c) A motor vehicle registered under the provisions of 61-3-303(3)(b) may not be registered under this
29 subsection (3).

30 (4) If a motor vehicle, trailer, semitrailer, or pole trailer is permanently registered under the provisions

1 of this chapter, the registration is not subject to expiration unless the registered owner of the motor vehicle, trailer,
2 semitrailer, or pole trailer transfers ownership of the vehicle to another person.

3 (5) The registration decal referred to in this section must:

4 (a) be color-coded according to the year through which the motor vehicle, trailer, semitrailer, or pole
5 trailer is registered; and

6 (b) display the month through which the motor vehicle, trailer, semitrailer, or pole trailer is registered."
7

8 **Section 19.** Section 61-3-320, MCA, is amended to read:

9 **"61-3-320. Registration -- custom vehicle, street rod, originally equipped older vehicle, kit vehicle,**
10 **or specially constructed vehicle.** (1) (a) A custom vehicle or street rod:

11 (i) that is more than 30 years old may be registered under 61-3-411 as a collector's item; or

12 (ii) may be registered, depending on the vehicle type, as a motor home, a bus, a truck having a
13 manufacturer's rated capacity of more than 1 ton, a truck tractor, or a light vehicle upon payment of the
14 registration fee required in 61-3-321, the applicable fee or fee in lieu of tax provided for in 61-3-529 or 61-3-562,
15 and, if applicable, any local option tax or fee under 61-3-537 or 61-3-570.

16 ~~(b) The owner of a custom vehicle or street rod that is originally registered under subsection (1)(a) or~~
17 ~~that was registered prior to January 1, 2006, may be authorized to operate the custom vehicle or street rod while~~
18 ~~displaying only one license plate on the rear exterior of the vehicle if the owner certifies that the custom vehicle~~
19 ~~or street rod is not used for general transportation purposes and pays an additional \$10 fee, to be deposited in~~
20 ~~the state general fund.~~

21 ~~—(e)(b)~~ (i) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(i), either a
22 ~~set of~~ pioneer or vintage license plates plate, as described in 61-3-411(2), or ~~a set of an~~ original Montana license
23 ~~plates~~ plate, as allowed under 61-3-412(1), must be assigned and issued to the custom vehicle or street rod.

24 (ii) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(ii) and unless the
25 owner has applied for a personalized license plates, ~~special license plates for military personnel, veterans, or~~
26 ~~spouses, collegiate plates, or generic specialty license plates~~ plate or has met the requirements of subsection
27 (1)(b), a ~~set of~~ standard license plates plate must be assigned to the vehicle under 61-3-331.

28 ~~(iii) Upon original registration of a custom vehicle or street rod under subsection (1)(a)(ii) and if the owner~~
29 ~~of a custom vehicle or street rod has met the requirements of subsection (1)(b), a single license plate, including~~
30 ~~a personalized standard license plate, special license plate for military personnel, veterans, or spouses, collegiate~~

1 plate, or generic specialty license plate, if otherwise available to the vehicle owner or vehicle type, may be issued
2 for the custom vehicle or street rod.

3 ~~—— (d) The owner of an originally equipped motor vehicle, other than a motorcycle, that is more than 30~~
4 ~~years old and that is not registered as a collector's item under 61-3-411 may be authorized to operate the motor~~
5 ~~vehicle while displaying only one license plate on the rear exterior of the vehicle, as if it were a custom vehicle~~
6 ~~or street rod, if the owner:~~

7 ~~—— (i) certifies that the originally equipped motor vehicle is not used for general transportation purposes;~~

8 ~~—— (ii) pays any fees required under 61-3-321, 61-3-529, or 61-3-562 and, if applicable, a local option tax~~
9 ~~or fee under 61-3-537 or 61-3-570, plus an additional \$10 fee, to be deposited in the state general fund; and~~

10 ~~—— (iii) is otherwise eligible, based on the owner's status and the vehicle type, for one of the single license~~
11 ~~plate options available to an owner of a custom vehicle or street rod under this subsection (1).~~

12 (2) (a) The owner of a kit vehicle shall pay the registration fees provided for in 61-3-321 and, if
13 applicable, any local option tax or fee under 61-3-537 or 61-3-570.

14 (b) Upon original registration of a kit vehicle and unless the owner has applied for ~~special license plates,~~
15 ~~collegiate plates, or generic specialty license plates,~~ a personalized license plate, a standard license plates plate
16 must be assigned and issued to the kit vehicle under 61-3-331.

17 (3) (a) Depending on whether the specially constructed vehicle is a motor home, bus, truck having a
18 manufacturer's rated capacity of more than 1 ton, truck tractor, or light vehicle, the owner of a specially
19 constructed vehicle shall pay the registration fees provided for in 61-3-321, any registration fee or fee in lieu of
20 tax provided for in 61-3-529, and, if applicable, any local option tax or fee under 61-3-537 or 61-3-570.

21 (b) Upon original registration of a specially constructed vehicle and unless the owner has applied for
22 ~~special license plates, collegiate plates, or generic specialty license plates,~~ a personalized license plate, a
23 standard license plates plate must be assigned and issued to the specially constructed vehicle under 61-3-331."
24

25 **Section 20.** Section 61-3-321, MCA, is amended to read:

26 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
27 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
28 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
29 semitrailers, and pole trailers as provided in subsections (2) through (19):

30 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light

1 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

2 (a) if the vehicle is 4 or less years old, \$217;

3 (b) if the vehicle is 5 through 10 years old, \$87; and

4 (c) if the vehicle is 11 or more years old, \$28;

5 (3) Except as provided in subsection (14), the one-time registration fee based on the declared weight
6 of a trailer, semitrailer, or pole trailer is as follows:

7 (a) if the declared weight is less than 6,000 pounds, \$61.25; or

8 (b) if the declared weight is 6,000 pounds or more, \$148.25.

9 (4) Except as provided in subsection (14), the one-time registration fee for motor vehicles owned and
10 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

11 (a) 2,850 pounds and over, \$10; and

12 (b) under 2,850 pounds, \$5.

13 (5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles other
14 than a quadricycle or motorcycle is \$61.25.

15 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

16 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

17 (i) less than 2 years old, \$282.50;

18 (ii) 2 years old and less than 5 years old, \$224.25;

19 (iii) 5 years old and less than 8 years old, \$132.50; and

20 (iv) 8 years old and older, \$97.50.

21 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
22 under this section may permanently register the motor home upon payment of:

23 (i) a one-time registration fee of \$237.50; and

24 (ii) if applicable, five times the renewal fees for a personalized license ~~plates~~ plate under 61-3-406.

25 (8) (a) Except as provided in subsection (14), the one-time registration fee for motorcycles and
26 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
27 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

28 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
29 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

30 (9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the

1 length of the travel trailer, is as follows:

2 (a) under 16 feet in length, \$72; and

3 (b) 16 feet in length or longer, \$152.

4 (10) Except as provided in subsection (14), the one-time registration fee for a motorboat, sailboat,
5 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

6 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
7 \$65.50;

8 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
9 length, \$125.50; and

10 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

11 (11) (a) Except as provided in subsections (11)(b) and (14), the one-time registration fee for a
12 snowmobile is \$60.50.

13 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
14 of daily rental to customers is assessed:

15 (A) a fee of \$40.50 in the first year of registration; and

16 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

17 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
18 registered and the business is assessed the registration fee imposed in subsection (11)(a).

19 (12) A fee of \$5 must be collected when a new ~~set of standard license plates, a new single standard~~
20 ~~license plate, or a replacement set of special license plates required under 61-3-332~~ is issued. The \$5 fee
21 imposed under this subsection does not apply when a previously issued license plates are plate is transferred
22 under 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the ~~plates~~
23 ~~are~~ plate is transferred is not currently registered.

24 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are
25 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
26 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
27 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),
28 (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

29 (14) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
30 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,

1 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new
2 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under
3 this section.

4 (15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

5 (16) Except as otherwise provided in this section, revenue collected under this section must be deposited
6 in the state general fund.

7 (17) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the
8 enumerated vehicles or vessels that constitute inventory of the dealership.

9 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be
10 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted
11 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund
12 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,
13 the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and
14 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

15 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
16 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
17 not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not
18 be collected.

19 (19) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
20 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
21 collected and forwarded to the state for deposit in the account established in 44-1-504.

22 (20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
23 61-3-721."

24

25 **Section 21.** Section 61-3-325, MCA, is amended to read:

26 **"61-3-325. Fleet registration -- license plates.** (1) (a) The department shall compute fees and taxes
27 due on each motor vehicle, trailer, semitrailer, or pole trailer in the fleet as provided in parts 3 and 5 of this
28 chapter, based on its domicile.

29 (b) Unless the fleet's registration period is changed under 61-3-324, all fees and taxes must be paid no
30 later than February 15 each year.

1 (2) The department may issue a separate series of license plates for fleet vehicles ~~that have the same~~
 2 ~~background as standard license plates issued under 61-3-332 but have a~~ and a separate numbering system
 3 determined by the department. ~~At the request of the fleet owner or lessor and upon payment of all applicable fees,~~
 4 ~~a license plate type other than the fleet plate may be issued to a fleet vehicle."~~

5
 6 **Section 22.** Section 61-3-331, MCA, is amended to read:
 7 **"61-3-331. Assignment of license plates ~~plate~~.** The county treasurer shall, at the time of issuing a
 8 registration receipt under 61-3-322, assign the motor vehicle, trailer, semitrailer, or pole trailer a distinctive license
 9 plate number and, unless the license ~~plates~~ plate must be specially ordered from the department, deliver to the
 10 applicant, ~~depending on the type of motor vehicle that was registered, a set of two license plates or one~~ a license
 11 plate, ~~each of which must bear~~ that bears the assigned distinctive number."
 12

13 **Section 23.** Section 61-3-332, MCA, is amended to read:
 14 **"61-3-332. Standard license plates.** (1) In addition to ~~special license plates, collegiate license plates,~~
 15 ~~generic specialty license plates, and fleet license plates,~~ amateur radio operator license plates authorized under
 16 this chapter, license plates issued in accordance with subsection (8), personalized license plates, and license
 17 plates that will bear a sponsoring organization decal as provided in [section 1], a separate series of standard
 18 license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and pole
 19 trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license plates
 20 issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles owned
 21 by other persons.

22 (2) (a) Except as provided in ~~61-3-479 and~~ subsections (2)(b), (3)(b), and (3)(c) ~~of this section,~~ all
 23 standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,
 24 as determined by the department, and be furnished by the department. In years when standard license plates
 25 are not issued, the department shall provide a registration decal, color-coded and marked as required in
 26 61-3-311, that must be affixed ~~to the rear~~ on the upper right corner of the license plate of the vehicle.

27 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles
 28 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration
 29 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed ~~to the rear~~
 30 on the upper right corner of the license plate of the permanently registered motor vehicle.

1 (3) (a) Beginning January 1, 2010, and every 4 years after that date, the department shall manufacture
2 and issue new standard license plates to replace previously issued standard license plates upon renewal.

3 (b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may
4 display the license plate and plate design in effect at the time of registration for the entire registration period.

5 (c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may
6 display the license plate and plate design in effect at the time of registration for the entire period that the light
7 vehicle or motor home is permanently registered.

8 (4) For trailers and motor vehicles, other than motorcycles and quadricycles, plates must be of metal 6
9 inches wide and 12 inches in length. ~~Except for generic specialty license plates, the~~ The outline of the state of
10 Montana must be used as a distinctive border on all license plates, and the word "Montana" must be placed on
11 each license plate. All license plates must be treated with a reflectorized background material according to
12 specifications prescribed by the department.

13 (5) (a) The distinctive registration numbers for standard license plates must begin with a number one or
14 with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and
15 numbers.

16 (b) ~~Except for special license plates, collegiate license plates, generic specialty license plates, and fleet~~
17 ~~license plates, amateur radio operator plates, personalized plates, plates issued in accordance with subsection~~
18 ~~(8), and plates that will bear a sponsoring organization decal as provided in [section 1],~~ the distinctive registration
19 number or letter-number combination assigned to the motor vehicle must appear on the plate preceded by the
20 number of the county and appearing in horizontal order on the same horizontal baseline. The county number must
21 be separated from the distinctive registration number by a separation mark unless a letter-number combination
22 is used. The dimensions of the numerals and letters must be determined by the department, and all county and
23 registration numbers must be of equal height.

24 (c) ~~Upon issuance of an amateur radio operator plate, a personalized plate, a plate issued in accordance~~
25 ~~with subsection (8), and a plate that will bear a sponsoring organization decal as provided in [section 1],~~ the
26 ~~county treasurer shall affix a decal displaying the county number on the lower left corner of the plate.~~

27 (6) For the use of exempt motor vehicles, trailers, semitrailers, or pole trailers and motor vehicles,
28 trailers, semitrailers, or pole trailers that are exempt from the registration fee as provided in 61-3-321, in addition
29 to the markings provided in this section, standard license plates must bear the following distinctive markings:

30 (a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may

1 designate the prefix number for the various state departments. All numbered plates issued to state departments
 2 must bear the words "State Owned", and a year number may not be indicated on the plates because these
 3 numbered plates are of a permanent nature and will be replaced by the department only when the physical
 4 condition of a numbered plates plate requires it.

5 (b) For motor vehicles, trailers, semitrailers, or pole trailers that are owned by the counties,
 6 municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not
 7 operating for profit, and that are used and operated by officials and employees in the line of duty and for motor
 8 vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol
 9 and used and operated by officials and employees in the line of duty, there must be placed on the standard
 10 license plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT".
 11 Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers, or pole trailers of each
 12 of the counties in the state and those of the municipalities and special districts that obtain plates within each
 13 county must begin with number one and be numbered consecutively. Because these standard license plates are
 14 of a permanent nature, they are subject to replacement by the department only when the physical condition of
 15 the license plates plate requires it and a year number may not be displayed on the plates.

16 (7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:
 17 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;
 18 Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17;
 19 Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25;
 20 Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33;
 21 Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41;
 22 Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield,
 23 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must
 24 be assigned numbers by the department as they are formed, beginning with the number 57.

25 ~~(8) (a) Each type of special license plate approved by the legislature, except collegiate license plates~~
 26 ~~authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be~~
 27 ~~a separate series of plates, numbered as provided in subsection (5), except that the county number must be~~
 28 ~~replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this~~
 29 ~~section, the special plates are subject to the same rules and laws as govern the issuance of standard license~~
 30 ~~plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who~~

1 is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer,
 2 semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer,
 3 semitrailer, or pole trailer.

4 ~~_____ (b) Beginning January 1, 2008, and every succeeding 4 years, the department shall manufacture and~~
 5 ~~issue a new set of special license plates, bearing the same design and, if requested by the owner, the same plate~~
 6 ~~number to replace, upon renewal of the registration of a motor vehicle under 61-3-314 and payment of the new~~
 7 ~~plate fee provided for in 61-3-321, any special license plates issued prior to the prescribed date. This requirement~~
 8 ~~applies to collegiate license plates authorized under 61-3-461 through 61-3-468, generic specialty license plates~~
 9 ~~authorized under 61-3-472 through 61-3-481, and commemorative centennial license plates authorized under~~
 10 ~~61-3-448.~~

11 ~~(9)(a)~~(8) (a) (i) A Montana resident who is eligible to receive a special parking permit under 49-4-301
 12 may, upon written application on a form prescribed by the department, be issued a special license plate with a
 13 design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

14 ~~(b)~~(ii) If the motor vehicle to which the license plate is attached is permanently registered, the owner of
 15 the motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or
 16 ordinances in this or any state, evidence of continued eligibility to use the license plate in the form of a valid
 17 special parking permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

18 ~~(c)~~(iii) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special
 19 license plate upon written application, as provided in this subsection ~~(9) (8)~~, is not required to reapply upon
 20 reregistration of the motor vehicle.

21 (b) A veteran may be issued a special license plate displaying the letters "DV", which entitles the veteran
 22 to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part
 23 3, if the veteran provides an application and proper identification and presents a department of defense form 214
 24 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or reinstatement or a
 25 reenlistment verifying the applicant's eligibility and:

26 (i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as
 27 50% or more disabled because of a service-connected injury; or

28 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
 29 veterans affairs for a service-connected disability.

30 (c) For the purposes of this subsection (8), "veteran" has the meaning provided in 10-2-101.

1 ~~(10)~~(9) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer
 2 that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711
 3 through 61-3-733."

4
 5 **Section 24.** Section 61-3-333, MCA, is amended to read:

6 **"61-3-333. Replacing license ~~plates~~ plate or decals.** (1) Except as provided in subsection (2), if ~~one~~
 7 ~~or both~~ a license ~~plates~~ plate registered to a motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole
 8 trailer or the registration decal for the motor vehicle, quadricycle, travel trailer, trailer, semitrailer, or pole trailer
 9 is mutilated or destroyed, the owner of the registered motor vehicle or trailer may obtain a ~~set of replacement~~
 10 ~~license plates, a replacement license plate;~~ or a duplicate registration decal upon filing a sworn declaration stating
 11 that fact and payment of a fee of \$5.

12 (2) If the owner requests that the replacement license plate ~~or plates~~ bear the same background and
 13 license plate number as the plate ~~or plates that were~~ that was destroyed or mutilated, the duplicate license plate
 14 ~~or plates~~ may be issued upon payment of a fee of \$5."

15
 16 **Section 25.** Section 61-3-334, MCA, is amended to read:

17 **"61-3-334. Transfer of ownership of motor vehicle -- duty to remove ~~plates~~ plate.** Upon the transfer
 18 of ownership of a motor vehicle, trailer, semitrailer, or pole trailer, the transferor shall immediately remove the
 19 license ~~plates~~ plate from the motor vehicle, trailer, semitrailer, or pole trailer."

20
 21 **Section 26.** Section 61-3-335, MCA, is amended to read:

22 **"61-3-335. Transfer of license ~~plates~~ plate to another motor vehicle.** (1) A person may request the
 23 transfer of a license ~~plates~~ plate removed from a motor vehicle, trailer, semitrailer, or pole trailer under 61-3-334
 24 to another motor vehicle, trailer, semitrailer, or pole trailer acquired or owned by the same person. The use of the
 25 license ~~plates~~ plate may not be legalized until proper transfer of the license ~~plates~~ plate has been made.

26 (2) ~~License plates~~ A license plate may be transferred pursuant to this section without transferring
 27 ownership of the first motor vehicle, trailer, semitrailer, or pole trailer.

28 (3) Upon transfer of the license ~~plates~~ plate, the registration of the motor vehicle, trailer, semitrailer, or
 29 pole trailer from which the license ~~plates were~~ plate was transferred expires."

30

1 **Section 27.** Section 61-3-337, MCA, is amended to read:

2 **"61-3-337. Permanently registered motor homes -- plate restriction.** The following series of license
3 plates and license plate decals may not be used for purposes of permanent registration of a motor home:

4 (1) Montana national guard license plates issued under 61-3-458(2)(b);

5 (2) reserve armed forces license plates issued under 61-3-458(2)(c); and

6 (3) amateur radio operator license plates issued under 61-3-422;

7 ~~(4) collegiate license plates issued under 61-3-465; and~~

8 ~~(5) generic specialty license plates issued under 61-3-479."~~

9

10 **Section 28.** Section 61-3-402, MCA, is amended to read:

11 **"61-3-402. Personalized license plates plate authorized.** A person who is the registered owner of a
12 motor vehicle, truck, motor home, trailer, motorcycle, quadricycle, or other vehicle for the owner's personal use
13 may upon payment of the fee prescribed in 61-3-406 apply to the department for a personalized license ~~plates~~
14 plate in the manner prescribed in 61-3-405. The ~~plates~~ plate must be affixed to the vehicle for which registration
15 is sought in lieu of the license ~~plates~~ plate numbered as provided in 61-3-332."

16

17 **Section 29.** Section 61-3-403, MCA, is amended to read:

18 **"61-3-403. Color and design of personalized license plates plate -- exception.** Except as provided
19 in 61-3-407 ~~and 61-3-466~~, the personalized license ~~plates~~ plate must be the same color and design as standard
20 license plates and must consist of numbers or letters, or any combination of numbers or letters, not exceeding
21 eight positions and not less than two positions, provided that there are no conflicts with existing standard or
22 special license plate series under this title. A registration decal and the county number must be displayed on a
23 personalized license ~~plates~~ plate as provided in 61-3-332."

24

25 **Section 30.** Section 61-3-404, MCA, is amended to read:

26 **"61-3-404. Personalized license plates plate restricted to registered owner.** Personalized A
27 personalized license ~~plates~~ plate may be issued only to the registered owner of the motor vehicle upon which ~~they~~
28 are it is displayed."

29

30 **Section 31.** Section 61-3-405, MCA, is amended to read:

1 **"61-3-405. Application for personalized ~~plates~~ plate.** An applicant for a personalized license ~~plates~~
 2 plate or renewal of ~~such plates~~ a plate in subsequent years pursuant to 61-3-401 through 61-3-406 shall file an
 3 application ~~therefor~~ in the form and by the date the department requires, indicating ~~thereon~~ the combination of
 4 letters or numbers, or both, requested as a registration number. ~~There shall be no duplication of registration~~
 5 ~~numbers, and the~~ The department may refuse to issue any combination of letters or numbers, or both, that
 6 duplicates those on a plate that has already been issued, that may carry connotations offensive to good taste and
 7 decency, or which that are is misleading or a duplication of license plates provided for elsewhere in this title."
 8

9 **Section 32.** Section 61-3-407, MCA, is amended to read:

10 **"61-3-407. Personalized license ~~plates~~ plate for disabled ~~-- special veteran and generic specialty~~**
 11 **~~license plates.~~** Subject to the provisions of 61-3-405 and 61-3-406, an application for standard license plates
 12 bearing a wheelchair as the symbol of a person with a disability or bearing "DV" under 61-3-332~~(9)~~~~(8)~~, ~~special~~
 13 ~~veteran license plates under 61-3-458(3), or generic specialty license plates under 61-3-472 through 61-3-481~~
 14 may be combined with an application for a personalized ~~plates~~ plate. The application must be made on a form
 15 supplied by the department."
 16

17 **Section 33.** Section 61-3-411, MCA, is amended to read:

18 **"61-3-411. Registration of motor vehicle owned and operated solely as collector's item.** (1) An
 19 owner of a motor vehicle, trailer, semitrailer, or pole trailer that is more than 30 years old and that is used solely
 20 as a collector's item and is not used for general transportation purposes may file with the department an
 21 application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must be
 22 sworn to before an officer authorized to administer oaths. The application must state:

- 23 (a) the name and address of the owner;
- 24 (b) the name and address of the person from whom the motor vehicle, trailer, semitrailer, or pole trailer
 25 was purchased;
- 26 (c) the make, the gross weight, the year and number of the model, and the manufacturer's identification
 27 number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and
- 28 (d) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated solely as a collector's
 29 item and not for general transportation purposes.

30 (2) Upon receipt of the application for registration and payment of the registration fees, including fees

1 in lieu of tax, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole
 2 trailer in the manner specified in 61-3-303 and, unless the applicant chooses to exercise the option allowed in
 3 61-3-412, shall deliver to the applicant:

4 (a) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1933 or earlier, ~~two a~~ license
 5 ~~plates~~ plate bearing the inscription "Pioneer--Montana" and the registration number; or

6 (b) for a motor vehicle, trailer, semitrailer, or pole trailer manufactured in 1934 or later and more than
 7 30 years old, ~~two a~~ license ~~plates~~ plate bearing the inscription "Vintage--Montana" and the registration number.

8 (3) The year of issuance may not be shown on the ~~plates~~ plate.

9 (4) Annual renewal of the registration of a motor vehicle, trailer, semitrailer, or pole trailer registered
 10 under this section is not required, and the registration is valid as long as the motor vehicle, trailer, semitrailer, or
 11 pole trailer is in existence and owned by the initial registrant."
 12

13 **Section 34.** Section 61-3-412, MCA, is amended to read:

14 **"61-3-412. Display of original Montana license ~~plates~~ plate on collector's item and general**
 15 **transportation collector's item motor vehicles -- definition -- validation.** (1) As used in 61-3-413 and this
 16 section, "original Montana license plate" means a license plate issued according to the provisions of 61-3-331;
 17 section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was
 18 effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the
 19 license plate is authorized to be displayed.

20 (2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor
 21 vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display an original
 22 Montana license ~~plates~~ plate, with validation as required in 61-3-413 or subsection (3) of this section, after:

23 (a) payment of the fee required in subsection (5);

24 (b) inspection by a highway patrol officer of the original Montana license plate to be displayed on the
 25 motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a \$5 fee, receipt of the highway patrol
 26 officer's certification that the officer has determined that:

27 (i) the license plate is legible and meets the requirements of subsection (1); and

28 (ii) in the case of a license plate intended for use on a general transportation collector's item, the license
 29 plate is visible at night;

30 (c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as

1 provided for in 61-3-411 or 61-3-413; and

2 (d) in the case of a general transportation collector's item application, certification from the department
3 that a duplicate license plate number does not exist among currently issued license plates.

4 (3) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of subsection
5 (2), the department shall:

6 (a) register the motor vehicle, trailer, semitrailer, or pole trailer as prescribed in 61-3-303; and

7 (b) issue a validating decal inscribed with:

8 (i) a unique number; and

9 (ii) the letter:

10 (A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

11 (B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

12 (4) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the validating
13 decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a windshield
14 does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or pole trailer.

15 (5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with the
16 application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer, or pole
17 trailer license fee of \$20."

18

19 **Section 35.** Section 61-3-413, MCA, is amended to read:

20 **"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition**
21 **-- permanent registration required.** (1) For the purposes of 61-3-412 and this section, a "general transportation
22 collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older and that is used
23 for general transportation purposes.

24 (2) An owner of a general transportation collector's item who wishes to display an original Montana
25 license ~~plates~~ plate on the motor vehicle, trailer, semitrailer, or pole trailer shall file with the department an
26 application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must state:

27 (a) the name and address of the owner;

28 (b) the year and number of the license plate the applicant wishes to use; and

29 (c) the make, the gross weight, the year and number of the model, and the manufacturer's identification
30 number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

1 (3) Upon receipt of an application for registration of a general transportation collector's item, the
 2 department shall compare the number of the license plate that the applicant intends to use with the license plate
 3 numbers assigned to currently registered motor vehicles, trailers, semitrailers, or pole trailers. The department
 4 may reject an application if the number the applicant intends to use matches a number that is assigned to a
 5 currently registered motor vehicle, trailer, semitrailer, or pole trailer. If the department approves the application,
 6 the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the
 7 manner specified in 61-3-101.

8 (4) Once an application is approved, appropriate fees are paid, and the requirements provided in
 9 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor
 10 vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's, trailer's,
 11 semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer, or pole
 12 trailer has been permanently registered."

13

14 **Section 36.** Section 61-3-421, MCA, is amended to read:

15 **"61-3-421. Amateur radio operators -- special license plate.** A resident of this state who holds an
 16 unrevoked and unexpired official amateur radio station license and operator's license, "conditional" or higher
 17 class, issued by the federal communications commission of the United States, upon proof of ownership of the
 18 amateur radio station license and operator's license, may be issued a ~~set of license plates~~ plate displaying the
 19 official amateur radio call letters of the owner as assigned to the owner by the federal communications
 20 commission for a light vehicle or motor home owned by and registered to the resident. The ~~plates~~ plate must be
 21 renewed as provided in 61-3-312."

22

23 **Section 37.** Section 61-3-422, MCA, is amended to read:

24 **"61-3-422. Issuance -- application -- additional fee.** The department shall issue a license plate ~~plates~~ plate
 25 with the official amateur radio call letters to an amateur radio operator upon:

26 (1) application showing proof that the applicant is the owner and holder of an amateur radio station
 27 license and operator's license;

28 (2) compliance with the state laws relating to titling and registration of light vehicles and motor homes;

29 (3) payment, or proof of payment, of all other fees and taxes applicable to the light vehicle or motor
 30 home; and

1 (4) payment of a \$5 additional fee."

2

3 **Section 38.** Section 61-3-423, MCA, is amended to read:

4 **"61-3-423. Rules -- limit of one ~~identical pair of plates~~ plate for each operator.** The department shall
5 adopt rules to procure compliance with all the laws of the state regulating the issuance of motor vehicle, trailer,
6 semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole
7 trailers before issuing the lettered license plates. The department may not issue more than one ~~identical pair of~~
8 lettered license ~~plates~~ plate for any licensed amateur radio station in any one licensing period."

9

10 **Section 39.** Section 61-3-425, MCA, is amended to read:

11 **"61-3-425. ~~Special plates~~ Amateur radio operator plate -- how affixed to car -- sale or transfer of**
12 **auto -- revocation or expiration of radio license.** The license ~~plates~~ plate issued under 61-3-422 may be
13 renewed as long as the amateur radio license is in force under the federal communications commission and the
14 special license issued ~~hereunder~~ under this part is in force. If the official amateur radio license is revoked or
15 expires for any reason, the license ~~plates~~ plate must be removed immediately by the owner of the light vehicle
16 or motor home, and the owner shall obtain a standard license ~~plates~~ plate numbered as provided in 61-3-332.
17 If the light vehicle or motor home is sold or otherwise transferred, the owner and holder of valid official amateur
18 radio station and operator's licenses may transfer the amateur radio license ~~plates~~ plate to another light vehicle
19 or motor home owned by the holder as provided in 61-3-335. On the revocation or expiration of the amateur radio
20 station and operator's licenses, the license ~~plates~~ plate issued under 61-3-422 must be returned and surrendered
21 to the department."

22

23 **Section 40.** Section 61-3-426, MCA, is amended to read:

24 **"61-3-426. Combined license ~~plates~~ plate.** (1) An application for a license ~~plates~~ plate for an amateur
25 radio ~~operators~~ operator may be combined with an application for the ~~special license plates~~ issued under
26 ~~61-3-458(3)~~ or with an application for a special license ~~plates~~ plate issued to a person with a disability who
27 complies with the provisions in 61-3-332~~(9)~~(8).

28 (2) Issuance of combined license plates is subject to 61-3-422.

29 (3) The combined license ~~plates~~ plate must display the official amateur radio call letters of the owner as
30 assigned to the owner by the federal communications commission. The ~~plates~~ plate must also display the design

1 or decal provided for in 61-3-332(9)(8) ~~or 61-3-458(3).~~"

2

3 **Section 41.** Section 61-3-455, MCA, is amended to read:

4 **"61-3-455. Violation a misdemeanor.** A person who violates 61-3-458 or 61-3-460 or who knowingly
5 and wrongfully attempts to secure a license plates plate under 61-3-332, 61-3-458, or 61-3-460 is guilty of a
6 misdemeanor and shall be punished by a fine of not less than \$100 or imprisonment for not more than 30 days,
7 or both."

8

9 **Section 42.** Section 61-3-458, MCA, is amended to read:

10 **"61-3-458. Special ~~plates plate decals~~ for military personnel, veterans, and spouses.** (1) (a) Active
11 military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may
12 be issued a special military or veteran license plates plate decal as provided in [section 1] and this section.

13 (b) ~~Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special~~
14 ~~license plates issued pursuant to this section must be numbered in sets of two with a different number on each~~
15 ~~set and must be properly displayed as provided in 61-3-301. Special~~ A special military or veteran license ~~plates~~
16 plate decal may not be issued for a motorcycle, quadricycle, semitrailer, or pole trailer. ~~Special military or veteran~~
17 ~~license plates bearing a wheelchair as the symbol of a person with a disability may be issued to a~~ A person who
18 meets the qualifications under 61-3-332(9)(8) and this section may receive a license plate bearing a wheelchair
19 as a symbol of a person with a disability and a special military or veteran license plate decal.

20 (2) (a) Upon application, after paying all applicable ~~motor vehicle, trailer, semitrailer, or pole trailer~~
21 registration fees and special license plate decal fees and providing an official certificate from the applicant's unit
22 commander verifying the individual's eligibility and authorizing the department to issue the plates to the individual,
23 eligible military personnel may be issued one ~~set of~~ special military license ~~plates plate decal~~ as provided in this
24 subsection (2).

25 (b) A member of the Montana national guard who is a state resident may be issued a special license
26 ~~plates plate decal~~ with a design ~~or decal~~ displaying the letters "NG". However, the member shall surrender the
27 ~~plates plate bearing the decal~~ to the department when the member becomes ineligible.

28 (c) A member of the reserve armed forces of the United States who is a state resident may be issued
29 a special license ~~plates plate decal~~ according to the member's branch of service verified in the application with
30 a design ~~or decal~~ displaying one of the following: United States army reserve, AR (symbol); United States naval

1 reserve, NR (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR
 2 (globe and anchor). However, the member shall surrender the ~~plates~~ plate bearing the decal to the department
 3 when the member becomes ineligible.

4 (d) An active member of the regular armed forces of the United States who is a state resident may be
 5 issued a special license ~~plates~~ plate decal inscribed with a symbol signifying the United States army, United
 6 States navy, United States air force, United States marine corps, or United States coast guard, according to the
 7 member's branch of service verified in the application. However, the member shall surrender the ~~plates~~ plate
 8 bearing the decal to the department upon becoming ineligible.

9 (3) (a) Upon application, after presenting proper identification and a department of defense form 214
 10 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying
 11 the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable ~~motor~~
 12 ~~vehicle, trailer, semitrailer, or pole trailer~~ registration fees under this chapter, subject to the provisions of 61-3-460,
 13 an eligible veteran must be issued ~~any set and more than one set of~~ any number of the special license ~~plates~~
 14 plate decals provided for in this subsection (3) that the member requests and is eligible to receive.

15 (b) A veteran may be issued ~~special~~ a license ~~plates~~ plate displaying the letters "DV", which entitles the
 16 veteran to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter
 17 4, part 3, if the veteran:

18 (i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as
 19 50% or more disabled because of a service-connected injury; or

20 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
 21 veterans affairs for a service-connected disability.

22 (c) A veteran who has been awarded the purple heart may be issued a special license ~~plates~~ plate decal
 23 with the purple heart ~~decal~~ design displaying the words "combat wounded".

24 (d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued
 25 a special license ~~plates~~ plate decal with a design ~~or decal~~ displaying the words "ex-prisoner of war" or an
 26 abbreviation that the department considers appropriate.

27 (e) If the veteran was a member of the United States armed forces on December 7, 1941, and during
 28 the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was
 29 offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued a special license
 30 ~~plates~~ plate decal designed to show that the veteran is a survivor of the Pearl Harbor attack.

1 (f) A person who is a member of the legion of valor may be issued a special license plates license plate decal
 2 displaying a design ~~or decal~~ depicting the recognized legion of valor medallion.

3 (g) A veteran may be issued a special license plates plate decal displaying the word "VETERAN" and
 4 a symbol signifying the United States army, United States navy, United States air force, United States marine
 5 corps, or United States coast guard, according to the veteran's service record verified in the application.

6 (h) A member or a former member of the Montana national guard eligible to receive a military retirement
 7 may be issued a special license plates plate decal displaying the Montana national guard insignia and the words
 8 "National Guard veteran".

9 (i) A veteran who qualifies under subsections (3)(b) and (3)(c) may be issued a special combination
 10 license ~~plates~~ plate displaying the letters "DV" and displaying a purple heart decal with the words "combat
 11 wounded". A person who receives the combination ~~plates~~ plate is entitled to the same parking privileges as
 12 provided in subsection (3)(b).

13 (4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle
 14 registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible
 15 veteran, if the spouse has not remarried, may retain the ~~special license plates~~ plate with the decal issued to the
 16 deceased veteran, except the special "DV" ~~plates~~ plate provided for under subsection (3)(b) or the combination
 17 ~~plates~~ plate provided for in subsection (3)(i).

18 (5) For purposes of this section, "veteran" has the meaning provided in 10-2-101."
 19

20 **Section 43.** Section 61-3-459, MCA, is amended to read:

21 **"61-3-459. Veterans' cemetery fee for special veteran license plates plate decal -- disposition.** (1)

22 Except as provided in 61-3-460, an applicant for a special veteran license plates plate decal provided for under
 23 61-3-458(3) shall pay \$10 for each ~~set~~ decal issued, renewed, or transferred, in addition to any other taxes or fees
 24 applicable under this chapter.

25 (2) Fees collected under this section must be deposited in the state general fund and transferred as
 26 provided in 15-1-122 to the special revenue account for state veterans' cemeteries established in 10-2-603."
 27

28 **Section 44.** Section 61-3-460, MCA, is amended to read:

29 **"61-3-460. Motor vehicle registration fee and veterans' cemetery fee waivers.** (1) Except as

30 otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery

1 fee provided in 61-3-459 for two ~~sets of~~ special veteran license ~~plates~~ plate decals and all motor vehicle
 2 registration fees imposed by this chapter for two motor vehicles that are not used for commercial purposes.

3 (2) The following persons are eligible for the waiver provided in subsection (1):

4 (a) a veteran who was a prisoner of war who presents official documentation from the U.S. department
 5 of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

6 (b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S.
 7 department of veterans affairs for a service-connected disability, as verified by official documentation from the
 8 U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

9 (c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because
 10 of a service-connected injury and who has been awarded the purple heart, as verified by official documentation
 11 from the U.S. department of veterans affairs and the veteran's military service record issued by the U.S.
 12 department of defense, or the veteran's surviving spouse, if the spouse has not remarried, except that the veteran
 13 or the surviving spouse shall pay the veterans' cemetery fee as provided for in 61-3-459;

14 (d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on
 15 active duty as verified in official documentation issued by the U.S. department of defense; and

16 (e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who
 17 died of a service-connected injury or disability as determined by and verified in official documentation from the
 18 U.S. department of veterans affairs."

19

20 **Section 45.** Section 61-3-562, MCA, is amended to read:

21 **"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules.** (1) (a) The owner
 22 of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2), may permanently
 23 register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and license fees
 24 under 61-3-412, if applicable, ~~the an~~ administrative fee and any ~~and the annual one-time-only~~ donation fee
 25 required by the sponsoring organization for a ~~generic specialty~~ sponsoring organization license plate decal under
 26 ~~61-3-480~~ [section 1], and an amount equal to five times the local option motor vehicle tax or flat fee on vehicles
 27 under 61-3-537, and, if applicable, when a personalized ~~plates~~ plate under 61-3-406 ~~are~~ is being issued or
 28 renewed, either:

29 (i) the original fee and four times the renewal fee for personalized plates; or

30 (ii) five times the renewal fees for personalized plates.

1 (b) The following ~~series of~~ license plates or license plate decals may not be used for purposes of
 2 permanent registration of a light vehicle:

- 3 (i) a Montana national guard license ~~plates~~ plate decal issued under 61-3-458(2)(b);
 4 (ii) a reserve armed forces license ~~plates~~ plate decal issued under 61-3-458(2)(c); and
 5 (iii) an amateur radio operator license ~~plates~~ plate decal issued under 61-3-422; ~~and~~
 6 ~~(iv) collegiate license plates issued under 61-3-465.~~

7 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated
 8 capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under
 9 61-10-201.

10 (3) The owner of a motor vehicle that is permanently registered under this section is not subject to
 11 additional registration fees or to other motor vehicle registration fees described in this section for as long as the
 12 owner owns the vehicle.

13 (4) The county treasurer shall once each month remit to the state the amounts collected under this
 14 section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201.
 15 The county treasurer shall retain the local option motor vehicle tax or flat fee.

16 (5) (a) The permanent registration of a light vehicle allowed by this section may not be transferred to a
 17 new owner. If the light vehicle is transferred to a new owner, the department shall cancel the light vehicle's
 18 permanent registration.

19 (b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall
 20 apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."
 21

22 **Section 46.** Section 61-3-701, MCA, is amended to read:

23 **"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity.** (1) A
 24 person may not operate a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another jurisdiction
 25 on the highways of this state if the vehicle is used for hire, compensation, or profit or if the person is engaged in
 26 gainful occupation or business enterprise in the state, including highway work, unless the motor vehicle, trailer,
 27 semitrailer, or pole trailer is registered at the office of a county treasurer or an authorized agent of the department.
 28 Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent
 29 and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by 61-3-321, 61-3-529,
 30 or 61-3-537, the treasurer or authorized agent shall enter the vehicle for registration purposes only on the

1 electronic registry maintained by the department under 61-3-101. One-fourth of the annual fees or taxes due on
 2 the motor vehicle, trailer, semitrailer, or pole trailer subject to registration under this section must be paid for each
 3 calendar quarter or portion of a calendar quarter for the year that the vehicle will be located or operated in
 4 Montana.

5 (2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue
 6 to the owner of the motor vehicle, trailer, semitrailer, or pole trailer a registration receipt, a license plates plate,
 7 and a registration decal indicating the calendar quarter and year for which the motor vehicle, trailer, semitrailer,
 8 or pole trailer is registered. The license ~~plates~~ plate, with attached registration decal, must at all times be
 9 displayed upon the motor vehicle, trailer, semitrailer, or pole trailer when operated or driven upon roads and
 10 highways of this state during the registration period indicated on the receipt.

11 (3) The registration receipt does not constitute evidence of ownership but may be used only for
 12 registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or
 13 pole trailer registered under this section.

14 (4) This section is not applicable to a motor vehicle covered by a valid and existing reciprocal agreement
 15 or declaration entered into under Montana law."
 16

17 **Section 47.** Section 61-3-702, MCA, is amended to read:

18 **"61-3-702. Foreign vehicles to display license plates.** All foreign registered and licensed motor
 19 vehicles, trailers, semitrailers, or pole trailers must carry in plain sight on the motor vehicle, trailer, semitrailer,
 20 or pole trailer the license ~~plates~~ plate or device from the other state or foreign country."
 21

22 **Section 48.** Section 61-3-722, MCA, is amended to read:

23 **"61-3-722. Registration and identification of proportionally registered motor vehicles -- fees --**
 24 **effect of registration.** (1) The department shall register each proportionally registered motor vehicle, trailer,
 25 semitrailer, or pole trailer and issue a license plate ~~or plates~~, a distinctive registration decal, or other suitable
 26 identification device for each motor vehicle, trailer, semitrailer, or pole trailer described in the application upon
 27 payment of the appropriate fees and property taxes, as provided by law, for the application and for the license
 28 ~~plates~~ plate, registration ~~decal~~ decal, or ~~devices~~ device issued. A fee of \$2 must be paid for each license plate,
 29 each registration decal, and each device issued for each proportionally registered motor vehicle, trailer,
 30 semitrailer, or pole trailer. A fee of \$5 must be paid for each motor vehicle, trailer, semitrailer, or pole trailer

1 receiving temporary registration as authorized by section 704 of the international registration plan of the American
2 association of motor vehicle administrators, adopted in April 1988. A registration card must be issued for each
3 proportionally registered motor vehicle, trailer, semitrailer, or pole trailer. The registration card must, in addition
4 to other information required by chapter 3, show the number of the license plate, registration decal, or other
5 device issued for the proportionally registered motor vehicle, trailer, semitrailer, or pole trailer and must be carried
6 in the motor vehicle, trailer, semitrailer, or pole trailer at all times.

7 (2) Fleet motor vehicles, trailers, semitrailers, or pole trailers registered and identified as fleet motor
8 vehicles are considered fully licensed and registered in this state for any type of movement or operation, except
9 that, in those instances in which a grant of authority is required for intrastate movement or operation, the motor
10 vehicle, trailer, semitrailer, or pole trailer may not be operated in intrastate commerce in this state unless the
11 owner has been granted intrastate authority by the public service commission and unless the motor vehicle,
12 trailer, semitrailer, or pole trailer is being operated in conformity with that authority."

13

14 **Section 49.** Section 61-4-101, MCA, is amended to read:

15 **"61-4-101. Types of licenses and terms -- common application -- bonds -- zoning.** (1) Except as
16 provided in 61-4-120 and 61-4-125, a person may not engage in the business of buying, selling, exchanging,
17 accepting on consignment, or acting as a broker of a motor vehicle, trailer, travel trailer, semitrailer, pole trailer,
18 motorcycle, quadricycle, motorboat, personal watercraft, snowmobile, off-highway vehicle, or special mobile
19 equipment that is not registered in the person's name unless the person is the holder of a license issued by the
20 department under this part.

21 (2) (a) The department may issue a new dealer's license, a used dealer's license, a broker's license, an
22 auto auction license, or a wholesaler license to any person it determines is qualified to hold the license under the
23 provisions of this section.

24 (b) A new dealer's license authorizes the holder to sell:

25 (i) any new motor vehicle, new power sports vehicle, or new trailer that is covered under a franchise
26 agreement between the holder and the manufacturer, importer, or distributor of the line of vehicle or trailer offered
27 for sale; and

28 (ii) any used motor vehicle, used power sports vehicle, or used trailer.

29 (c) A used dealer license authorizes the holder to sell any used motor vehicle, used power sports vehicle,
30 or used trailer.

1 (d) A broker's license authorizes the holder to negotiate the purchase, sale, or exchange of a motor
2 vehicle, power sports vehicle, or trailer from a dealer or another person upon behalf of a client when the broker
3 does not store, display, or take ownership of the motor vehicle, power sports vehicle, or trailer being purchased,
4 sold, or exchanged.

5 (e) Except as provided in 61-4-120, an auto auction license authorizes the holder to take possession of
6 a used vehicle owned by another person through consignment, bailment, or any other arrangement and to sell
7 to the highest bidder when all bidders are licensed vehicle dealers, wholesalers, or wrecking facilities.

8 (f) A wholesaler license authorizes the holder to sell used vehicles to a new or used vehicle dealer, an
9 auto auction, or another wholesaler.

10 (3) Subject to the provisions of 61-4-120, 61-4-124, and 61-4-125, a license issued by the department
11 is valid until:

12 (a) voluntarily returned to the department for surrender and cancellation upon the cessation of the
13 licensee's business operations; or

14 (b) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor
15 vehicles, power sports vehicles, or trailers.

16 (4) (a) An applicant for a new dealer's license, a used dealer's license, a broker's license, an auto auction
17 license, or a wholesaler license shall submit a written application to the department. The application must be
18 signed by the applicant and contain a verification by the applicant, under penalty of law, that the information
19 contained in the application is true and correct. Any information provided in the license application process is
20 subject to independent verification by the department or an authorized representative of the department.

21 (b) After examining a license application and conducting an investigation necessary to verify the
22 information contained in the application and if the department is satisfied that the applicant qualifies for the
23 issuance of a license under the provisions of this chapter, the department may issue the license. The department
24 may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for
25 licensure or whose prior financial or other activities or criminal record, as determined by the department:

26 (i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

27 (ii) poses a threat to the public interest of the state; or

28 (iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed
29 dealership, wholesaler, or auto auction.

30 (5) To be qualified for licensure, an applicant shall provide to the department the following information:

- 1 (a) the name under which the applicant intends to conduct business and the applicant's name, the street
2 address and, if different, mailing address for the business, and customer identification number;
- 3 (b) the name, date of birth, and social security number of any person who:
- 4 (i) possesses or will possess an ownership interest in the business for which the license is sought;
- 5 (ii) is a corporate officer or the managing member of a business entity applying for the license; or
- 6 (iii) is or will be designated by the applicant to manage or oversee the applicant's business;
- 7 (c) for each person subject to the provisions of subsection (5)(b), information concerning whether the
8 person has:
- 9 (i) an ownership interest in a vehicle dealership, an auto auction, or a wholesaler business in Montana
10 or any other state and, if so, the name and address of each dealership, auto auction, or wholesaler; and
- 11 (ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall
12 provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court
13 proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;
- 14 (d) the name, address, and telephone number of the insurance carrier from whom the applicant has
15 acquired general liability insurance, naming the department as a certificate holder of the policy, and the name,
16 address, and telephone number of the local insurance agent for the carrier and the applicant's policy number.
17 The insurance must cover any motor vehicle bearing a dealer or demonstrator license ~~plates~~ plate and any
18 motorboat, snowmobile, or off-highway vehicle displaying a dealer's identification card that is offered for
19 demonstration or loan to a customer or otherwise operated by a customer in the regular course of the applicant's
20 business and must be for a minimum of 1 year;
- 21 (e) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale, if
22 applicable, and of a permanent nonresidential building that will be maintained to store the actual physical or
23 electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is
24 sought. An applicant may use more than one location to display vehicles for sale if the maximum distance
25 between each display lot does not exceed 200 feet and if the distance between a display lot and the building in
26 which vehicle sales records are stored does not exceed 1,000 feet.
- 27 (f) for each geographic location specified in the application, evidence of the applicant's compliance with
28 applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance
29 may be documented by means of a written verification of compliance signed by the authorized representative of
30 the local land use planning or zoning board or the local business-permitting agency.

1 (g) a diagram or plat showing the geographic location, lot dimensions, if applicable, and building and sign
2 placement for the applicant's proposed established place of business, along with two or more photographs of the
3 geographic location, building premises, and sign, as prescribed by the department;

4 (h) if the applicant is seeking a new motor vehicle dealer's license:

5 (i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a
6 written new motor vehicle, power sports vehicle, or trailer franchise or sales agreement, the term of the
7 agreement, and the name and make of all motor vehicles, power sports vehicles, or trailers to be handled by the
8 applicant;

9 (ii) the geographic location or locations, specified in writing, upon which the applicant will provide and
10 maintain a permanent building to display and sell new motor vehicles, power sports vehicles, or trailers and offer
11 and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles,
12 power sports vehicles, or trailers; and

13 (iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter.

14 (6) If an applicant wants to maintain more than one established place of business, the applicant shall
15 file a separate license application for each proposed place of business and otherwise qualify for licensure at each
16 place separately.

17 (7) Each application under this section must be accompanied by the following fees:

18 (a) for a new or used dealer's license, a broker's license, or a wholesaler's license, \$30; and

19 (b) for an auto auction license, the fee provided for in 61-4-120.

20 (8) (a) Except as provided in subsection (8)(b), an applicant for a dealer's license, broker's license,
21 wholesaler's license, or auto auction license shall also file with the application a bond of \$50,000.

22 (b) An applicant whose business will be restricted to the sale of motorcycles or quadricycles shall file
23 a bond of \$15,000. An applicant whose business will be restricted to the sale of motorboats, personal watercraft,
24 snowmobiles, or off-highway vehicles, other than motorcycles originally equipped for use on the highway, shall
25 file a bond of \$5,000.

26 (c) All bonds must be conditioned that the applicant shall conduct the business in accordance with the
27 requirements of the law. All bonds must be approved by the department, must be filed in its office, and must be
28 renewed annually."

29
30 **Section 50.** Section 61-4-102, MCA, is amended to read:

1 **"61-4-102. Dealer plates -- restriction of use -- fees.** (1) Except as provided in subsection (2), the
2 department shall furnish a dealer licensed under this part with one or more ~~sets of~~ numbered dealer plates in
3 accordance with the provisions of this section.

4 (2) Dealer plates may not be issued to a new or used dealer whose business is restricted to the sale of
5 motorcycles, power sports vehicles, or trailers.

6 (3) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for
7 a dealer's license shall pay an annual fee of \$25 for each ~~set of~~ numbered dealer ~~plates~~ plate requested and
8 issued.

9 (b) The number of dealer plates that may be issued to a dealer must be determined as follows:

10 (i) a dealer is entitled to one ~~set of~~ dealer ~~plates~~ plate upon the issuance of an original license or a
11 renewed license;

12 (ii) an applicant qualified for a license renewal is entitled to additional ~~sets of~~ numbered plates based on
13 the following formula:

14 (A) 5% of the first 100 motor vehicle sales for the previous year; plus

15 (B) 3% of the next 100 motor vehicle sales for the previous year; plus

16 (C) 2% of motor vehicle sales in excess of 200 for the previous year; and

17 (iii) a dealer is entitled to additional ~~sets of~~ dealer plates during a license term as the dealer's sales
18 incrementally meet or exceed the requirements of the formula established in subsection (3)(b)(ii). However, the
19 aggregate number of ~~sets of~~ dealer plates issued to a dealer under this subsection (3)(b)(iii) may not exceed the
20 combined number allowed under subsections (3)(b)(i) and (3)(b)(ii).

21 (4) (a) A dealer is authorized to use and display a dealer ~~plates~~ plate on a motor vehicle, except a
22 motorcycle, held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the
23 dealer's spouse, officers, or employees.

24 (b) For purposes of this subsection (4):

25 (i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the
26 importer's distribution agreement and the term "employees" means persons upon whom the dealer has paid
27 social security taxes as a full-time employee; and

28 (ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a motor
29 vehicle bearing a dealer ~~plates~~ plate is prima facie evidence that the motor vehicle is offered for bona fide sale
30 by the dealer.

1 (5) Dealer plates may not be used or displayed on motor vehicles used for hire, lease, or rental.

2 (6) (a) A dealer is accountable for each ~~set of~~ numbered dealer ~~plates~~ plate issued and, except as
3 provided in subsection (6)(b), shall file an annual report with the department certifying the disposition of each ~~set~~
4 ~~of dealer plates~~ plate assigned to the dealer and specifying the name, address, and occupation of the person
5 primarily using each ~~set of plates~~ plate.

6 (b) Upon reassignment of one or more ~~sets of~~ dealer plates to another person, within 15 days of the
7 reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name,
8 address, and occupation of the person to whom the plates were assigned."

9

10 **Section 51.** Section 61-4-109, MCA, is amended to read:

11 **"61-4-109. Privileges incident to license -- withdrawal upon certain conditions.** (1) The privileges
12 of a dealer licensed under the provisions of this part to use and display a ~~set of~~ dealer ~~plates~~ plate or a
13 demonstrator plate on a motor vehicle or trailer held for sale by the dealer, to use and display an identification
14 card on a power sports vehicle held for sale, and to issue a temporary registration permit, under the authority of
15 61-4-111 or 61-4-112, upon the sale of a motor vehicle, a power sports vehicle, or a trailer by the dealer are
16 specifically conditioned on the dealer's satisfaction of the bond requirements of 61-4-101 and the general liability
17 insurance coverage requirements of 61-4-123, without interruption or lapse.

18 (2) If the department is notified or determines that a dealer's bond or general liability insurance has
19 lapsed or been canceled, all dealer plates, demonstrator plates, and identification cards issued to the dealer are
20 subject to immediate confiscation and the dealer's authority, as an authorized agent, to issue temporary
21 registration permits is subject to immediate withdrawal, upon demand, by the department or by a compliance
22 specialist on behalf of the department. The dealer plates, demonstrator plates, and identification cards may not
23 be returned to the dealer until the bond and general liability insurance requirements have been satisfied.

24 (3) A dealer whose privileges are withdrawn under this section may otherwise engage in the dealer's
25 business operations during the period of withdrawal.

26 (4) If the lapse of bond or general liability insurance is not corrected ~~with~~ within 30 days, the department
27 may initiate administrative action to suspend or revoke the dealer's license under 61-4-105(2)."

28

29 **Section 52.** Section 61-4-123, MCA, is amended to read:

30 **"61-4-123. Dealer requirements and restrictions.** (1) A used dealer may not sell a new motor vehicle,

1 a new power sports vehicle, or a new trailer.

2 (2) A dealer may not display at the dealer's established place of business or any approved off-premises
3 sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label required for new
4 motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant
5 to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously displayed within the
6 motor vehicle in a fashion that is readily readable by a customer.

7 (3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle, power
8 sports vehicle, or trailer offered for sale at any geographic location other than that of the dealer's established
9 place of business as listed on the dealer's license.

10 (b) A dealer may park a motor vehicle in a storage lot if:

11 (i) local zoning regulations permit that type of use;

12 (ii) the lot is in the county where the dealer's established place of business is located;

13 (iii) the dealer does not sell or advertise the sale of the motor vehicle at the lot; and

14 (iv) if applicable, the placement of the motor vehicle complies with the dealer's franchise agreement.

15 (4) (a) Upon prior notice to the department, a dealer may conduct an off-premises display and sale at
16 a geographic location other than that of the dealer's established place of business as listed on the dealer's license
17 if the dealer obtains a permit from the department. The department may require proof from the dealer that the
18 location proposed for the off-premises display and sale is in compliance with local zoning ordinances. An
19 off-premises display and sale must be conducted within the county of the dealer's licensed location unless the
20 off-premises display and sale are restricted to recreational vehicles or power sports vehicles. A new motor vehicle
21 dealer whose area of responsibility under the dealer's franchise agreement includes a county different from the
22 county in which the dealer's established place of business is located may conduct an off-premises display and
23 sale, subject to the agreement, in the other county if there is no other new motor vehicle dealer with an
24 established place of business in that county. The display and sale authorized by this subsection (4)(a) may not
25 exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and
26 sales during any 1 calendar year.

27 (b) A dealer may display one or more motor vehicles, power sports vehicles, or trailers inside an airport
28 terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made,
29 or could be made, at the terminal or mall.

30 (c) Upon prior written notice to the department, a dealer may display one motor vehicle, power sports

1 vehicle, or trailer at a geographic location other than that of the dealer's established place of business as listed
2 on the dealer's license if no actual sales are made, or could be made, at the display location and the display:

3 (i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or
4 association organized and operated exclusively for religious, charitable, scientific, or educational purposes and
5 the motor vehicle, power sports vehicle, or trailer is displayed at a location where the event is being held or the
6 program is being promoted; or

7 (ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified
8 business entity and the motor vehicle, power sports vehicle, or trailer is displayed on premises owned or leased
9 by the other business entity and where the other entity regularly conducts its business. A display under this
10 subsection (4)(c)(ii) may not exceed 90 days in a calendar year.

11 (5) If more than one dealer displays motor vehicles, power sports vehicles, or trailers at the same
12 geographic location as another dealer's established place of business, each dealer shall ensure that all records,
13 office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly
14 identified and attributed to the appropriate dealer.

15 (6) A dealer shall install and maintain telephone service at the dealer's established place of business.
16 The telephone service must be listed in the directory assistance that applies to the area in which the business
17 is located, or if a cellular service is used, the dealer's cell phone number must be posted at the dealer's
18 established place of business.

19 (7) A dealer shall conspicuously post at the dealer's established place of business written notice
20 indicating the regular and customary office hours maintained by the dealer.

21 (8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers any
22 motor vehicle bearing a ~~set of dealer plates~~ plate or a demonstrator plate and any power sports vehicle displaying
23 a dealer's identification card that is offered for demonstration or loan to a customer or that otherwise may be
24 operated by a customer in the regular course of the dealer's business operations.

25 (b) A dealer shall ensure that the department is named as a certificate holder on any general liability
26 insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance
27 does not occur as a result of cancellation or termination of a previously certified policy.

28 (c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance
29 obligation imposed under chapter 6 of this title.

30 (9) A dealer shall display at the dealer's established place of business at least one sign stating the name

1 of the business and indicating that motor vehicles, power sports vehicles, or trailers are offered for sale, trade,
 2 or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and readable to the
 3 major avenue of traffic at a minimum distance of 150 feet."

4

5 **Section 53.** Section 61-4-129, MCA, is amended to read:

6 **"61-4-129. Assignment of demonstrator plates.** (1) (a) A dealer or wholesaler may purchase a
 7 demonstrator ~~plates at plate~~ plate for a fee of \$5 ~~a plate~~.

8 (b) ~~Demonstrator plates~~ A demonstrator plate may not be issued to a new or used dealer whose
 9 business is restricted to the sale of power sports vehicles.

10 (2) (a) Except as provided in subsection (2)(c), ~~demonstrator plates~~ a demonstrator plate may be used
 11 on a motor vehicle displaying a Monroney label or a buyer's guide label, as required by 61-4-123(2), or a travel
 12 trailer that is:

13 (i) being demonstrated and offered for sale, for not more than 72 hours when operated by an individual
 14 holding a valid operator's license;

15 (ii) owned by the dealership when operated by an officer or bona fide full-time employee of the dealer or
 16 wholesaler and used to transport the dealer's or wholesaler's own tools, parts, and equipment;

17 (iii) being tested for repair;

18 (iv) being moved to or from a dealer's place of business for sale;

19 (v) being moved to or from service and repair facilities before sale; and

20 (vi) being moved to or from exhibitions within the state, provided the exhibition does not exceed a period
 21 of 20 days.

22 (b) ~~Demonstrator plates~~ A demonstrator plate may be used:

23 (i) on trailers being hauled to or from the place of business of the manufacturer and the place of business
 24 of the dealer or to and from places of business of the dealer;

25 (ii) on travel trailers held for sale to demonstrate the towing capability of the motor vehicle, for not more
 26 than 72 hours;

27 (iii) on any motor vehicle owned by the dealer that is used only to move a travel trailer that is in the
 28 dealer's inventory; and

29 (iv) on trailers being moved to or from exhibitions within the state if the exhibition does not exceed a
 30 period of 20 days.

1 (c) Extra demonstrator plates may be made available to dealers eligible for demonstrator plates under
 2 subsection (2)(a) to provide to one or more service repair facilities to be used when moving a motor vehicle in
 3 the dealer's inventory to and from the dealer's place of business and the service and repair facility prior to sale.
 4 A motor vehicle displaying a demonstrator plates plate under this subsection is not required to have a Monroney
 5 label or a buyer's guide label as required by 61-4-123(2).

6 ~~(d) A motor vehicle being operated in accordance with this subsection (2) need only display one~~
 7 ~~demonstrator plate conspicuously on the rear of the motor vehicle."~~

8

9 **Section 54.** Section 61-4-130, MCA, is amended to read:

10 **"61-4-130. Courtesy license plates -- issuance -- restrictions on use.** (1) Upon application and
 11 payment of an annual fee of \$150 a ~~set~~ plate, the department may issue up to two ~~sets of~~ courtesy plates to a
 12 dealer.

13 (2) ~~Courtesy~~ A courtesy license ~~plates~~ plate may be displayed only on a motor vehicle that the dealer
 14 loans, without charge or fee, exclusively for religious, charitable, scientific, or educational purposes. A loan of a
 15 vehicle displaying a courtesy license ~~plates~~ plate may not exceed 30 days in a year.

16 (3) A dealer shall maintain records detailing to whom a vehicle bearing a courtesy ~~plates~~ plate has been
 17 loaned, the date of the loan, the date on which the vehicle bearing the courtesy ~~plates~~ plate is to be returned, and
 18 the actual date of the vehicle's return. These records must include the name, address, and telephone number
 19 of the person or entity to whom the vehicle has been loaned and the name of a contact person who will oversee
 20 the actual operation and use of the vehicle. The records are subject to audit by the department.

21 (4) It is the dealer's responsibility to ensure that a courtesy ~~plates are~~ plate is not used by an eligible
 22 person or entity for more than 30 days in a year.

23 (5) It is the responsibility of the person or entity to whom the vehicle bearing the courtesy ~~plates~~ plate
 24 was loaned to carry, while operating or in actual physical control of the vehicle, adequate proof of the status of
 25 the person or entity under this section.

26 (6) If a dealer allows a person or entity to operate or retain actual physical control of a vehicle bearing
 27 a courtesy ~~plates~~ plate in violation of this section, the department may suspend the right to use the courtesy
 28 ~~plates~~ plate for a period not to exceed 6 months."

29

30 **Section 55.** Section 61-4-221, MCA, is amended to read:

1 **"61-4-221. Manufacturer's representative's license plates.** (1) As used in 61-4-221 through 61-4-223,
 2 "manufacturer's representative" means a resident of Montana who is an employee of a motor vehicle
 3 manufacturer licensed under the provisions of 61-4-202 and whose responsibility includes coordinating and
 4 promoting sales efforts with the manufacturer's dealers.

5 (2) Subject to the provisions of 61-4-221 through 61-4-223 and notwithstanding the provisions of Title
 6 61, chapter 3, a manufacturer's representative who qualifies as provided in subsection (1) may display a
 7 manufacturer's license ~~plates~~ plate on a motor vehicle used solely for business purposes.

8 (3) To qualify for the issuance and use of manufacturer's license plates by its manufacturer's
 9 representatives, the manufacturer licensed under 61-4-202 shall apply on forms and in a manner prescribed by
 10 the department and pay the fees provided for in 61-4-222."

11

12 **Section 56.** Section 61-4-222, MCA, is amended to read:

13 **"61-4-222. Fees.** (1) Upon making the application required under 61-4-221, the manufacturer shall pay
 14 to the department a fee of \$250, which entitles the manufacturer to one ~~set of~~ license ~~plates~~ plate, and an
 15 additional fee of \$20 for each additional ~~set of~~ license ~~plates~~ plate. The manufacturer may receive one ~~set of~~
 16 license ~~plates~~ plate for each manufacturer's representative.

17 (2) The fees provided for in subsection (1) do not apply to the manufacturer of a personal watercraft as
 18 defined in 23-2-502, a snowmobile as defined in 23-2-601, or an off-highway vehicle as defined in 23-2-801."

19

20 **Section 57.** Section 61-4-223, MCA, is amended to read:

21 **"61-4-223. Assignment of numbers.** (1) Upon the licensing of a manufacturer under 61-4-202, the
 22 department shall assign to the manufacturer a distinctive serial number and, after payment of fees provided for
 23 in 61-4-222, furnish every qualified manufacturer's representative of that manufacturer with one ~~set of~~ license
 24 ~~plates~~ plate. ~~Assigned~~ An assigned license ~~plates~~ plate must be similar to the standard license ~~plates~~ plate
 25 furnished to owners of motor vehicles but must bear, in addition to the serial number assigned to the
 26 manufacturer, the letters "MFG".

27 (2) The department shall cause to be placed on each ~~set of~~ license ~~plates~~ plate issued to a manufacturer
 28 a serial number assigned to the manufacturer and the actual number of license plates issued to the manufacturer.
 29 The department shall provide registration decals bearing the appropriate county designation. The registration
 30 decals must be affixed to the license plates in use in accordance with instructions by the department.

1 (3) A manufacturer's representative who qualifies as provided in 61-4-221(1) may display a
 2 manufacturer's license ~~plates~~ plate on a motor vehicle held for bona fide sale or used solely in the conduct of the
 3 manufacturer's business and operated by or under the control of the manufacturer's representative.

4 (4) When the department has reasonable cause to believe, from an investigation made by it or
 5 information furnished to it by a sheriff or any other law enforcement officer, that a manufacturer has been
 6 improperly licensed, has used the manufacturer's license other than as authorized in this section, or is not
 7 qualified as a manufacturer under the requirements of this part, the department may revoke the manufacturer's
 8 license."

9

10 **Section 58.** Section 61-6-304, MCA, is amended to read:

11 **"61-6-304. Penalties.** (1) Conviction of a first offense under 61-6-301, ~~or~~ 61-6-302, or [section 2] is
 12 punishable by a fine of not less than \$250 or more than \$500 or by imprisonment in the county jail for not more
 13 than 10 days, or both. A second conviction is punishable by a fine of \$350 or by imprisonment in the county jail
 14 for not more than 10 days, or both. A third or subsequent conviction is punishable by a fine of \$500 or by
 15 imprisonment in the county jail for not more than 6 months, or both.

16 (2) Upon a second or subsequent conviction under 61-6-301, ~~or~~ 61-6-302, or [section 2], the sentencing
 17 court shall order the surrender of the vehicle registration receipt and license ~~plates~~ plate for the vehicle operated
 18 at the time of the offense if that vehicle was operated by the registered owner or a member of the registered
 19 owner's immediate family or by a person whose operation of that vehicle was authorized by the registered owner.
 20 The court shall report the surrender of the registration receipt and license ~~plates~~ plate to the department, which
 21 shall immediately suspend the vehicle's registration. The vehicle's registration status may not be reinstated until
 22 proof of compliance with 61-6-301 and [section 2] is furnished to the department, but if the vehicle is transferred
 23 to a new owner, the new owner is entitled to register the vehicle. The surrendered license ~~plates~~ plate must be
 24 recycled or destroyed by the court unless the court decides to retain the license ~~plates~~ plate for the owner until
 25 the registration suspension has been completed or the requirements for a restricted registration receipt have been
 26 met. Upon proof of compliance with 61-6-301 and [section 2] and payment of fees required under 61-3-333 for
 27 a replacement license ~~plates~~ plate and registration decal and under 61-3-341 for a replacement registration
 28 receipt, during the period of 90 days from the date of a second conviction or 180 days from the date of a third or
 29 subsequent conviction, the department shall issue a restricted registration receipt to the offender. A restricted
 30 registration receipt limits the use of the motor vehicle operated at the time of the offense to use solely for

1 employment purposes until the date indicated on the restricted registration receipt.

2 (3) Upon a fourth or subsequent conviction under 61-6-301, ~~or 61-6-302~~, or [section 2], the court shall
3 order the surrender of the driver's license of the offender; if the vehicle operated at the time of the offense was
4 registered to the offender or a member of the offender's immediate family. The court shall send the driver's
5 license, along with a copy of the complaint and the dispositional order, to the department, which shall immediately
6 suspend the driver's license. The department may not reinstate a driver's license suspended under this
7 subsection until the registered owner provides the department proof of compliance with 61-6-301 and [section
8 2] and the department determines that the registered owner is otherwise eligible for licensure.

9 (4) The court may suspend a required fine only upon a determination that the offender is or will be unable
10 to pay the fine.

11 (5) A court may not defer imposition of penalties provided by this section.

12 (6) An offender is considered to have been previously convicted for the purposes of sentencing if less
13 than 5 years have elapsed between the commission of the present offense and a previous conviction.

14 (7) The penalty provided in [section 2(5)] is in addition to the penalties provided in this section."

15

16 **Section 59.** Section 90-1-115, MCA, is amended to read:

17 **"90-1-115. Department of commerce Lewis and Clark bicentennial account -- Montana historical**
18 **society Lewis and Clark bicentennial account.** (1) ~~(a)~~ There is a department of commerce Lewis and Clark
19 bicentennial account in the state special revenue fund. Three-fourths of the revenue from the sales of Lewis and
20 Clark bicentennial license plates sold under 2-15-151 before [the effective date of this act] or license plate decals
21 sold under [section 1] after [the effective date of this act] must be placed into the account and must be used as
22 provided in 2-15-151. The revenue in the account is statutorily appropriated, as provided in 17-7-502, to the
23 department of commerce. The department of commerce shall allocate the proceeds that are deposited in the
24 account established in this subsection as grants, as follows:

25 (a) one-third to the Lewis and Clark interpretive center foundation;

26 (b) one-third to the Pompeys pillar historical association;

27 (c) one-third to the travelers' rest preservation and heritage association.

28 ~~(b)~~(2) There is a Montana historical society Lewis and Clark bicentennial account in the state special
29 revenue fund. One-fourth of the revenue from the sales of Lewis and Clark bicentennial license plates sold under
30 2-15-151 before [the effective date of this act] or license plate decals sold after [the effective date of this act] must

1 be placed into the account and must be used as provided in 2-15-151. The revenue in the account is statutorily
2 appropriated, as provided in 17-7-502, to the Montana historical society and must be used for projects related
3 to Lewis and Clark as provided in 2-15-151.

4 ~~(2) The department of commerce shall allocate the proceeds that are deposited in the account~~
5 ~~established in subsection (1)(a) as grants, as follows:~~

6 ~~—— (a) one-third to the Lewis and Clark interpretive center foundation;~~

7 ~~—— (b) one-third to the Pompeys pillar historical association;~~

8 ~~—— (c) one-third to the travelers' rest preservation and heritage association."~~

9

10 **NEW SECTION. Section 60. Repealer.** Sections 61-3-415, 61-3-446, 61-3-448, 61-3-461, 61-3-462,
11 61-3-463, 61-3-464, 61-3-465, 61-3-466, 61-3-467, 61-3-468, 61-3-472, 61-3-473, 61-3-474, 61-3-475, 61-3-476,
12 61-3-477, 61-3-478, 61-3-479, 61-3-480, and 61-3-481, MCA, are repealed.

13

14 **NEW SECTION. Section 61. Codification instruction.** (1) [Section 1] is intended to be codified as
15 an integral part of Title 61, chapter 3, and the provisions of Title 61, chapter 3, apply to [section 1].

16 (2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 6, part 3, and the
17 provisions of Title 61, chapter 6, part 3, apply to [section 2].

18

19 **NEW SECTION. Section 62. Effective date.** [This act] is effective January 1, 2010.

20

- END -