

1 SENATE BILL NO. 347

2 INTRODUCED BY R. LAIBLE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING OFF-HIGHWAY VEHICLE
5 REGISTRATION; PROVIDING FOR A NONRESIDENT DUAL-USE TEMPORARY REGISTRATION PERMIT
6 TO ALLOW CERTAIN OFF-HIGHWAY VEHICLES FOR BOTH OFF-ROAD USE AND FOR USE ON PUBLIC
7 HIGHWAYS; REQUIRING CERTAIN OFF-HIGHWAY VEHICLES TO DISPLAY LICENSE PLATES IN ADDITION
8 TO REGISTRATION DECALS; AMENDING SECTIONS 23-2-801, 23-2-802, 23-2-804, 23-2-807, 23-2-809,
9 23-2-814, 61-3-118, 61-3-224, 61-3-303, 61-3-321, AND 61-3-332, MCA; AND PROVIDING A DELAYED
10 EFFECTIVE DATE."

11

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

13

14 NEW SECTION. **Section 1. Motorcycle and quadricycle dual-use temporary registration permit**
15 **for nonresidents -- highway and off-highway use authorized.** (1) If a motorcycle or quadricycle owned by a
16 nonresident meets the equipment requirements for those vehicles provided in Title 61, chapter 9, and the
17 motorcycle or quadricycle is not registered or is registered for only off-road use in the state or country where the
18 nonresident lives, the motorcycle or quadricycle may be operated on public highways of this state, in addition to
19 being operated as an off-highway vehicle under this part, if a nonresident dual-use temporary registration permit
20 has been issued as provided in 61-3-224.

21 (2) The nonresident dual-use temporary registration permit must be continuously displayed on the
22 motorcycle or quadricycle as required by the department of justice. The permit authorizes a person to operate
23 the motorcycle or quadricycle in Montana for 40 days from the date of issue.

24 (3) A nonresident temporary-use permit, as provided in 23-2-814, is not required as long as the
25 nonresident dual-use temporary registration permit for the motorcycle or quadricycle has not expired and is
26 properly displayed on the motorcycle or quadricycle.

27

28 **Section 2.** Section 23-2-801, MCA, is amended to read:

29 **"23-2-801. Definition.** (1) As used in this part, "off-highway vehicle" means a self-propelled vehicle used
30 for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term

1 includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles,
2 and any other means of land transportation deriving motive power from any source other than muscle or wind.

3 (2) Off-highway vehicle does not include:

4 (a) vehicles designed primarily for travel on, over, or in the water;

5 (b) snowmobiles; or

6 (c) ~~except as provided in 23-2-804, vehicles otherwise a motor vehicle~~ issued a certificate of title and
7 registered under the laws of the state, ~~unless the vehicle is used for off-road recreation on public lands as a light~~
8 vehicle, motor home, bus, heavy truck, or truck tractor."

9

10 **Section 3.** Section 23-2-802, MCA, is amended to read:

11 **"23-2-802. Exemptions.** The provisions of this part do not apply to:

12 (1) an off-highway vehicle:

13 (a) owned or used by the United States or another state or an agency or political subdivision ~~thereof of~~
14 the United States;

15 (b) registered in a country other than the United States, temporarily used within this state for not more
16 than ~~30~~ 40 days; or

17 (c) registered in another state of the United States, temporarily used within this state for not more than
18 ~~30~~ 40 days; or

19 (2) a licensed motorcycle or licensed quadricycle used for fishing and hiking access, camping, or
20 picnicking on a visible two-track trail or road within 1 mile of a designated road."

21

22 **Section 4.** Section 23-2-804, MCA, is amended to read:

23 **"23-2-804. Decal License plate and registration decal required.** (1) Except as provided in 23-2-802,
24 23-2-814, and [section 1], a person may not operate an off-highway vehicle ~~may not be operated by a person for~~
25 off-road ~~recreation use~~ on public lands in Montana unless ~~there is displayed in a conspicuous place a decal, in~~
26 a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the
27 following fees have been paid:

28 ~~— (a) the registration fee provided for in 61-3-321(5); or~~

29 ~~— (b) when the vehicle will be used as provided in this section, the registration and taxation fees for~~
30 motorcycles and quadricycles subject to licensure under 61-3-321(8), as evidenced by presentation of an owner's

1 certificate of registration and payment receipt. The county treasurer may confirm the registration status of a
 2 motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic
 3 record of title for the vehicle.

4 ~~_____ (2) The decal must be serially numbered~~ the vehicle is properly registered as an off-highway vehicle and
 5 displays the license plate assigned to the vehicle when it is titled and registered under Title 61, chapter 3.

6 (2) The registration decal affixed to the license plate must indicate, based on the registration fees paid
 7 pursuant to 61-3-321, that the vehicle is registered for either off-road use only or both off-road use and use on
 8 a public highway.

9 (3) The license plate must be plainly visible and firmly attached to the rear of the vehicle."

10

11 **Section 5.** Section 23-2-807, MCA, is amended to read:

12 **"23-2-807. Penalty -- disposition.** (1) The failure to display a valid ~~decal indicating that the fee in lieu~~
 13 ~~of tax, registration fees, decal fees, and, when applicable, taxes on licensed vehicles have been paid~~ license plate
 14 with a proper registration decal on the off-highway vehicle, as ~~provided~~ required in 23-2-804, is a misdemeanor
 15 punishable by a fine of \$50.

16 (2) All fines collected under this section must be transmitted to the department of revenue for deposit
 17 in the state general fund."

18

19 **Section 6.** Section 23-2-809, MCA, is amended to read:

20 **"23-2-809. Duplicate Replacing license plate or decal.** If a license plate or registration decal required
 21 in 23-2-804 ~~indicating that the off-highway vehicle fee has been paid~~ is lost, mutilated, or becomes illegible, the
 22 person to whom it was issued shall immediately apply for and obtain a duplicate decal upon payment of a fee of
 23 ~~\$5 to the county treasurer, who shall forward the fee to the state, as provided in 15-1-504, for deposit in the state~~
 24 ~~general fund~~ a replacement license plate or a duplicate registration decal may be obtained as provided in
 25 61-3-333."

26

27 **Section 7.** Section 23-2-814, MCA, is amended to read:

28 **"23-2-814. Nonresident temporary-use permits.** (1) ~~An~~ Except as provided in [section 1], an
 29 off-highway vehicle that is owned by a nonresident and that is not registered in another state of the United States
 30 or in another country may not be operated by a person in Montana unless a nonresident temporary-use permit

1 is obtained.

2 (2) The requirements pertaining to a nonresident temporary-use permit for an off-highway vehicle are
3 as follows:

4 (a) Application for the issuance of the permit must be made at locations and upon forms prescribed by
5 the department of fish, wildlife, and parks. The forms must include but are not limited to:

6 (i) the applicant's name and permanent address;

7 (ii) the make, model, year, and serial number of the off-highway vehicle; and

8 (iii) an affidavit declaring the nonresidency of the applicant.

9 (b) Upon submission of the application and a fee of \$5, a nonresident off-highway vehicle temporary-use
10 sticker must be issued. The sticker must be displayed in a conspicuous manner on the off-highway vehicle. The
11 sticker is the temporary-use permit.

12 (3) The temporary-use permit is valid for the calendar year designated on the permit.

13 (4) The permit is not proof of ownership, and a certificate of title may not be issued.

14 (5) All money collected by payment of fees under this section must be transmitted to the department of
15 revenue for deposit in the state general fund.

16 (6) Failure to display the permit as required by this section or making false statements in obtaining the
17 permit is a misdemeanor and is punishable by a fine of not less than \$25 or more than \$100. All fines collected
18 under this section must be transmitted to the department of revenue for deposit in the state general fund."

19

20 **Section 8.** Section 61-3-118, MCA, is amended to read:

21 **"61-3-118. Motor vehicle electronic commerce operating account.** (1) There is a motor vehicle
22 electronic commerce operating account of the enterprise fund type as provided in 17-2-102.

23 (2) ~~Fees~~ Except as provided in 61-3-224(5)(c), fees imposed for issuance of a temporary registration
24 permit under 61-3-224 must be deposited in the account.

25 (3) The money in the motor vehicle electronic commerce operating account must be used by the
26 department to pay costs directly incurred in the operation, maintenance, and enhancement of electronic
27 commerce applications, including but not limited to payments to third-party vendors who provide services to
28 support the applications."

29

30 **Section 9.** Section 61-3-224, MCA, is amended to read:

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

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

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

8 (iii) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation
9 of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle
10 under this chapter;

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

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

16 (vi) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle
17 that the financial institution has obtained following repossession; or

18 (vii) subject to [section 1] and this section, a nonresident who owns a motorcycle or quadricycle that is
19 not subject to registration in the nonresident's home state or country or that is registered for only off-road use in
20 the nonresident's home state or country for temporary authority to operate the motorcycle or quadricycle for both
21 off-road use as an off-highway vehicle and for use on a public highway.

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

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

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

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

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

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

6 (e) subject to [section 1] and this section, a nonresident who owns a motorcycle or quadricycle that is
7 not subject to registration in the nonresident's home state or country or that is registered for only off-road use in
8 the nonresident's home state or country for temporary authority to operate the motorcycle or quadricycle for both
9 off-road use as an off-highway vehicle and for use on a public highway.

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

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

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

14 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
15 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
16 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
17 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
18 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
19 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

20 (4) A temporary registration permit for:

21 (a) a motor vehicle, trailer, semitrailer, ~~or~~ pole trailer, or motorcycle or quadricycle owned by a
22 nonresident must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is
23 required to be displayed; and

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

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

30 (b) Except as provided in 61-3-431 and subsection (5)(c), a fee of \$8 is imposed and must be paid upon

1 issuance of a temporary registration permit by:

2 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires
3 a vehicle or vessel in this state or who applies for a nonresident dual-use temporary registration permit under
4 [section 1] and subsections (1)(a)(vii) and (2)(e) of this section; or

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

6 (c) In addition to the fee imposed under subsection (5)(b), a nonresident who applies for a nonresident
7 dual-use temporary registration permit must pay an additional dual-use vehicle registration fee of \$31. The fee
8 must be forwarded to the state for deposit in the general fund.

9 (6) ~~The~~ Except as provided in subsection (5)(c), the fees imposed under this section, upon collection,
10 must be forwarded to the state and deposited in the motor vehicle electronic commerce operating account
11 provided for in 61-3-118.

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

15

16 **Section 10.** Section 61-3-303, MCA, is amended to read:

17 "**61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana
18 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways
19 of this state or who owns an off-highway vehicle used for off-road recreation on public lands shall register the
20 motor vehicle, trailer, semitrailer, ~~or~~ pole trailer, or off-highway vehicle in the office of the county treasurer in the
21 county where the owner is domiciled.

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

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

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

28 (3) (a) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which a
29 certificate of title and registration were issued in another jurisdiction and for which registration is required under
30 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and

1 receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer,
2 semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that
3 the electronic record of registration maintained by the department is complete.

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

8 (4) Upon registering a motor vehicle, trailer, semitrailer, ~~or pole trailer,~~ or off-highway vehicle for the first
9 time in this state, the county treasurer shall:

10 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
11 61-3-101;

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

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

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

15 and

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

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

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

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

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

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

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

25 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
26 61-3-321 and 61-3-529; ~~or~~

27 (vi) a trailer under 61-3-321; or

28 (vii) an off-highway vehicle under 61-3-321;

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

1 anatomical gifts; and

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

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

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

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

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

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

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

30

1 **Section 11.** Section 61-3-321, MCA, is amended to read:

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

6 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light
7 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

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

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

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

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

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

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

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

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

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

19 (5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles, other
20 than a quadricycle or motorcycle registered pursuant to subsection (8), is \$61.25.

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

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

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

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

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

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

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

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

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

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

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

6 (9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the
7 length of the travel trailer, is as follows:

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

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

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

12 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
13 \$65.50;

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

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

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

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

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

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

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

25 (12) A fee of \$5 must be collected when a new set of standard license plates, a new single standard
26 license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$5 fee
27 imposed under this subsection does not apply when previously issued license plates are transferred under
28 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are
29 transferred is not currently registered.

30 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are

1 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
2 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
3 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),
4 (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.

5 (14) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
6 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
7 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new
8 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under
9 this section.

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

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

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

15 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be
16 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted
17 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund
18 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,
19 the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and
20 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

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

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

28 (20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
29 61-3-721."
30

1 **Section 12.** Section 61-3-332, MCA, is amended to read:

2 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,
3 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of
4 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and
5 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license
6 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles
7 owned by other persons.

8 (2) (a) Except as provided in 61-3-479 and subsections (2)(b), (2)(c), (3)(b), and (3)(c) of this section,
9 all standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,
10 as determined by the department, and be furnished by the department. In years when standard license plates
11 are not issued, the department shall provide a registration decal that must be affixed to the rear license plate of
12 the vehicle.

13 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles
14 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration
15 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear
16 license plate of the permanently registered motor vehicle.

17 (c) For off-highway vehicles and motorcycles or quadricycles that are registered for either off-road use
18 only or for both off-road use and for use on public highways, the department shall provide a distinctive registration
19 decal that indicates the type of use that is authorized.

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

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

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

27 (4) For trailers and motor vehicles, other than motorcycles ~~and quadricycles~~, and off-highway vehicles,
28 plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the
29 outline of the state of Montana must be used as a distinctive border on all license plates, and the word "Montana"
30 must be placed on each license plate. All license plates must be treated with a reflectorized background material

1 according to specifications prescribed by the department.

2 (5) The distinctive registration numbers for standard license plates must begin with a number one or with
3 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.
4 Except for special license plates, collegiate license plates, generic specialty license plates, and fleet license
5 plates, the distinctive registration number or letter-number combination assigned to the motor vehicle must appear
6 on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal
7 baseline. The county number must be separated from the distinctive registration number by a separation mark
8 unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by
9 the department, and all county and registration numbers must be of equal height.

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

13 (a) For motor vehicles, trailers, semitrailers, or pole trailers owned by the state, the department may
14 designate the prefix number for the various state departments. All numbered plates issued to state departments
15 must bear the words "State Owned", and a year number may not be indicated on the plates because these
16 numbered plates are of a permanent nature and will be replaced by the department only when the physical
17 condition of numbered plates requires it.

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

29 (7) For the purpose of this chapter, the several counties of the state are assigned numbers as follows:
30 Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8;

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

8 (8) (a) Each type of special license plate approved by the legislature, except collegiate license plates
9 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be
10 a separate series of plates, numbered as provided in subsection (5), except that the county number must be
11 replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this
12 section, the special plates are subject to the same rules and laws as govern the issuance of standard license
13 plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, or pole trailer owned by the person who
14 is eligible to receive them, with the registration decal affixed to the rear license plate of the motor vehicle, trailer,
15 semitrailer, or pole trailer, and must be removed upon sale or other disposition of the motor vehicle, trailer,
16 semitrailer, or pole trailer.

17 (b) Beginning January 1, 2008, and every succeeding 4 years, the department shall manufacture and
18 issue a new set of special license plates, bearing the same design and, if requested by the owner, the same plate
19 number to replace, upon renewal of the registration of a motor vehicle under 61-3-314 and payment of the new
20 plate fee provided for in 61-3-321, any special license plates issued prior to the prescribed date. This requirement
21 applies to collegiate license plates authorized under 61-3-461 through 61-3-468, generic specialty license plates
22 authorized under 61-3-472 through 61-3-481, and commemorative centennial license plates authorized under
23 61-3-448.

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

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

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

4 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that
5 is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through
6 61-3-733."

7
8 **NEW SECTION. Section 13. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 23, chapter 2, part 8, and the provisions of Title 23, chapter 2, part 8, apply to [section 1].

10

11 **NEW SECTION. Section 14. Effective date.** [This act] is effective January 1, 2010.

12

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