

## 1 HOUSE BILL NO. 370

2 INTRODUCED BY C. SQUIRES

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE OPTIONAL MOTOR VEHICLE REGISTRATION  
5 FEE FOR OPERATIONS AND MAINTENANCE AT STATE PARKS AND STATE-OWNED FACILITIES AT  
6 VIRGINIA CITY AND NEVADA CITY; AMENDING SECTIONS 23-1-105 AND 61-3-321, MCA; AND PROVIDING  
7 A DELAYED EFFECTIVE DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 23-1-105, MCA, is amended to read:  
12 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) The department may levy  
13 and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided  
14 and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money  
15 derived from the activities of the department, except as provided in subsection (5), must be deposited in the state  
16 treasury in a state special revenue fund to the credit of the department.

17 (2) Overnight camping fees established by the department under subsection (1) must be discounted 50%  
18 for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of  
19 age or older or certified as disabled in accordance with rules adopted by the department.

20 (3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the  
21 time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered  
22 by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not  
23 allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered  
24 owner.

25 (4) Money received from the collection of fees and charges is subject to the deposit requirements of  
26 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant  
27 to 17-6-105(8).

28 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing  
29 state park visitor services revenue. The fund is to be used by the department to serve the recreating public by  
30 providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational,

1 commemorative, and interpretive merchandise and other related goods and services at department sites and  
2 facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise  
3 and other related goods and services and from donations. Gross revenue from the sale of educational,  
4 commemorative, and interpretive merchandise and other related goods and services must be deposited in the  
5 fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided  
6 in this subsection.

7 (6) In recognition of the fact that individuals support state parks through the payment of certain motor  
8 vehicle registration fees, persons who pay the fee provided for in 61-3-321(18)(a) may not be required to pay a  
9 day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as  
10 overnight camping fees, are still chargeable and may be collected by the department.

11 (7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(18)(a) on or after  
12 [the effective date of this act] that is dedicated to state parks must be used by the department for maintenance  
13 and operation of state parks."

14

15 **Section 2.** Section 61-3-321, MCA, is amended to read:

16 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**  
17 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon  
18 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,  
19 semitrailers, and pole trailers as provided in subsections (2) through (19):

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

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

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

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

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

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

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

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

- 1 (a) 2,850 pounds and over, \$10; and  
2 (b) under 2,850 pounds, \$5.
- 3 (5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles other  
4 than a quadricycle or motorcycle is \$61.25.
- 5 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.
- 6 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:  
7 (i) less than 2 years old, \$282.50;  
8 (ii) 2 years old and less than 5 years old, \$224.25;  
9 (iii) 5 years old and less than 8 years old, \$132.50; and  
10 (iv) 8 years old and older, \$97.50.
- 11 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee  
12 under this section may permanently register the motor home upon payment of:  
13 (i) a one-time registration fee of \$237.50;  
14 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be  
15 deposited in the account established under 61-6-158; and  
16 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.
- 17 (8) (a) Except as provided in subsection (14), the one-time registration fee for motorcycles and  
18 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles  
19 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 20 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as  
21 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 22 (9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the  
23 length of the travel trailer, is as follows:  
24 (a) under 16 feet in length, \$72; and  
25 (b) 16 feet in length or longer, \$152.
- 26 (10) Except as provided in subsection (14), the one-time registration fee for a motorboat, sailboat,  
27 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:  
28 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,  
29 \$65.50;  
30 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in

1 length, \$125.50; and

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

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

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

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

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

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

11 (12) (a) Except as provided in subsection (12)(b), a fee of \$10 must be collected when a new set of  
12 standard license plates, a new single standard license plate, or a replacement set of special license plates  
13 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously  
14 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be  
15 paid if the vehicle to which the plates are transferred is not currently registered.

16 (b) Until January 1, 2015, an additional fee of \$15 must be collected if a vehicle owner elects to keep  
17 the same license plate number from license plates issued on or after January 1, 2006, but before January 1,  
18 2010, when replacement of those plates is required under 61-3-332(3).

19 (c) The fees imposed in this subsection (12) must be deposited in the account established under  
20 61-6-158, except that \$2 of the fee imposed in subsection (12)(a) must be deposited in the state general fund.

21 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are  
22 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled  
23 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle  
24 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),  
25 (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.

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

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

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

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

6 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of ~~\$4~~ \$6 must be  
7 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted  
8 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund  
9 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the ~~\$4~~ \$6  
10 fee, the department of fish, wildlife, and parks shall use ~~\$3.50~~ \$5.25 for state parks, 25 cents for fishing access  
11 sites, and ~~25~~ 50 cents for the operation of state-owned facilities at Virginia City and Nevada City.

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

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

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

21

22 NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2012.

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