

1 HOUSE BILL NO. 370

2 INTRODUCED BY C. SQUIRES

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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; REVISING THE OPTIONAL MOTOR VEHICLE REGISTRATION FEE
7 PROCESS; AMENDING SECTIONS 23-1-105 AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE
8 DATE."

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

11

12 **Section 1.** Section 23-1-105, MCA, is amended to read:

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

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

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

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

29 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing
30 state park visitor services revenue. The fund is to be used by the department to serve the recreating public by

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

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

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

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

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

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

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

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

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

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

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

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

30 (4) Except as provided in subsection (14), the one-time registration fee for motor vehicles owned and

1 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

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

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

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

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

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

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

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

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

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

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

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

15 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
16 deposited in the account established under 61-6-158; and

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

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

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

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

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

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

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

29 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
30 \$65.50;

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

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

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

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

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

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

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

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

17 (b) Until January 1, 2015, an additional fee of \$15 must be collected if a vehicle owner elects to keep
18 the same license plate number from license plates issued on or after January 1, 2006, but before January 1,
19 2010, when replacement of those plates is required under 61-3-332(3).

20 (c) The fees imposed in this subsection (12) must be deposited in the account established under
21 61-6-158, except that \$2 of the fee imposed in subsection (12)(a) must be deposited in the state general fund.

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

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

1 this section.

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

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

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

7 (18) (a) Unless a person exercises the option in EITHER subsection (18)(b) OR (18)(c), an additional fee
8 of ~~\$4~~ \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
9 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
10 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
11 Of the ~~\$4~~ \$6 fee, the department of fish, wildlife, and parks shall use ~~\$3.50~~ \$5.25 \$5.37 for state parks, 25 cents
12 for fishing access sites, and ~~25~~ 50 38 cents for the operation of state-owned facilities at Virginia City and Nevada
13 City.

14 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
15 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
16 not to pay the additional ~~\$4~~ \$6 fee provided for in subsection (18)(a). If a written election is made, the fee may
17 not be collected.

18 (c) (i) A PERSON WHO REGISTERS ONE OR MORE LIGHT VEHICLES MAY, AT THE TIME OF ANNUAL REGISTRATION,
19 CERTIFY THAT THE PERSON DOES NOT INTEND TO USE ANY OF THE VEHICLES TO VISIT STATE PARKS AND FISHING ACCESS
20 SITES AND MAY MAKE A WRITTEN ELECTION NOT TO PAY THE ADDITIONAL \$6 FEE PROVIDED FOR IN SUBSECTION (18)(A).
21 IF A WRITTEN ELECTION IS MADE, THE FEE MAY NOT BE COLLECTED AT ANY SUBSEQUENT ANNUAL REGISTRATION UNLESS
22 THE PERSON MAKES THE WRITTEN ELECTION TO PAY THE ADDITIONAL FEE ON ONE OR MORE OF THE LIGHT VEHICLES.

23 (ii) THE WRITTEN ELECTION NOT TO PAY THE ADDITIONAL FEE ON A LIGHT VEHICLE EXPIRES IF THE VEHICLE IS
24 REGISTERED TO A DIFFERENT PERSON.

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."
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