

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 BY REQUEST OF THE DEPARTMENT OF JUSTICE

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; REMOVING THE  
7 DATE RESTRICTIONS ON FEES DEDICATED TO MOTOR VEHICLE INFORMATION TECHNOLOGY;  
8 ELIMINATING A SCHEDULED DECREASE IN FEES FOR FILING A SECURITY INTEREST OR OTHER LIEN  
9 AND FOR OBTAINING ORIGINAL AND REPLACEMENT CERTIFICATES OF TITLE; MODIFYING DATE  
10 RESTRICTIONS ON THE CONTINUED USE OF STANDARD LICENSE PLATE DESIGNS OR PLATE  
11 NUMBERS; ELIMINATING THE COUNTY PREFIX REQUIREMENT FOR SMALL LICENSE PLATES;  
12 REMOVING COLLEGIATE PLATES FROM THE PERMANENT REGISTRATION RESTRICTIONS;  
13 AUTHORIZING DRIVER'S TEST WAIVERS PURSUANT TO A RECIPROCITY AGREEMENT WITH A FOREIGN  
14 COUNTRY; CLARIFYING PROCEDURES FOR ANATOMICAL GIFT OR LIVING WILL DECLARATIONS ON  
15 DRIVER'S LICENSES AND IDENTIFICATION CARDS; CLARIFYING REPORTING STANDARDS FOR TRAFFIC  
16 CONVICTIONS; ELIMINATING THE REQUIREMENT TO PROVIDE A LIST OF AMATEUR RADIO LICENSE  
17 PLATE HOLDERS TO CERTAIN AGENCIES; AMENDING SECTIONS 61-3-103, 61-3-203, 61-3-204, 61-3-321,  
18 61-3-332, 61-3-337, 61-3-550, 61-3-562, 61-5-110, 61-5-301, AND 61-11-101, MCA; REPEALING SECTION  
19 61-3-424, MCA; AND PROVIDING EFFECTIVE DATES."

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22  
23 **Section 1.** Section 61-3-103, MCA, is amended to read:

24 **"61-3-103. Filing of security interests -- perfection -- rights -- procedure -- fees.** (1) (a) Except as  
25 provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the  
26 fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for  
27 a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile  
28 upon receipt of a written acknowledgment of a voluntary security interest or lien by the owner of a motor vehicle,  
29 trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on a form  
30 prescribed by the department.



1 (b) After the voluntary security interest or lien has been entered on the electronic record of title for the  
2 motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile,  
3 the department, its authorized agent, or a county treasurer shall issue a transaction summary receipt to the owner  
4 and, if requested, to the secured party or lienholder, showing the date that the security interest or lien was  
5 perfected.

6 (c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent,  
7 or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner  
8 of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or  
9 snowmobile.

10 (d) Except as provided in subsection (3), when a person applying for a certificate of title requests  
11 issuance of a certificate of title under 61-3-201, the department shall record the voluntary security interest or lien  
12 on the face of a certificate of title.

13 (2) A security interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal  
14 watercraft, sailboat, or snowmobile held as inventory by a dealer licensed under Title 23, chapter 2, part 5, 6, or  
15 8, or chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

16 (3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle,  
17 trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is subject  
18 to two security interests previously perfected under this section and the applicant has requested issuance of a  
19 certificate of title under 61-3-201, the department shall endorse on the face of the certificate of title, "NOTICE.  
20 This vehicle is subject to additional security interests on file with the Department of Justice." Other information  
21 regarding the additional security interests is not required to be endorsed on the certificate.

22 (4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, trailer,  
23 semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, the mortgagee or vendor  
24 has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, trailers,  
25 semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles, all the provisions  
26 of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

27 (5) A secured party or lienholder who has a perfected security interest in a motor vehicle, trailer,  
28 semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and who fails to file a  
29 satisfaction of the security interest or lien within 21 days after receiving final payment is required to pay the  
30 department \$25 for each day that the secured party or lienholder fails to file the satisfaction.

1           (6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of  
2 any motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile  
3 registered in this state, the department shall mail to the owner or any secured party or lienholder of record a  
4 notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien,  
5 and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the  
6 plaintiff and attaching creditor.

7           (7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's  
8 or lienholder's interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,  
9 sailboat, or snowmobile, for which a certificate of title is issued under this chapter, to any other person without  
10 the consent of and without affecting the interest of the holder of the certificate of title.

11           (b) If a secured party assigns all or part of the party's interest in a motor vehicle, trailer, semitrailer, pole  
12 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title is issued  
13 under this chapter, the secured party assigning the interest shall file a copy of the assignment with the department  
14 and the department shall record the assignment in the department's records.

15           (8) (a) A fee must be paid to the department to file any security interest or other lien against a motor  
16 vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile. The fee  
17 covers the cost of entering and, upon the subsequent satisfaction or release, of removing the security interest  
18 or lien from the electronic record of title.

19           (b) ~~Beginning January 1, 2002, and ending June 30, 2016, the~~ The fee is \$8. Of the \$8 fee, \$4 must be  
20 deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state  
21 for deposit in the motor vehicle information technology system account provided for in 61-3-550.

22           (c) ~~Beginning July 1, 2016, the fee is \$4 and must be deposited in the state general fund.~~

23           (9) (a) ~~Until June 30, 2018, a~~ A fee of \$10 must be paid to the department by a vehicle owner if, following  
24 satisfaction or release of a security interest and its removal from the department's records, the motor vehicle,  
25 trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner requests  
26 issuance of a new certificate of title without the security interest or lien shown on the face of the title. ~~Beginning~~  
27 ~~July 1, 2018, the fee for a new certificate of title under this subsection is \$5.~~

28           (b) ~~Until June 30, 2018, the~~ The \$10 fee must be deposited in the motor vehicle information technology  
29 system account provided for in 61-3-550.

30           (c) ~~Beginning July 1, 2018, the \$5 fee must be deposited in the state general fund."~~

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**Section 2.** Section 61-3-203, MCA, is amended to read:

**"61-3-203. Fee for original certificate of title -- disposition.** (1) ~~(a) Until June 30, 2018, a~~ A person applying for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

~~(i)(a)~~ (i)(a) \$10 if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that weighs less than 1 ton; or

~~(ii)(b)~~ (ii)(b) \$12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs less than 1 ton.

~~(b)(2)~~ (b)(2) The amount of \$5 of the fee imposed pursuant to subsection (1)~~(a)~~ must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550, and the remaining amount must be deposited in the state general fund.

~~(2) Beginning July 1, 2018, the fee imposed in subsection (1)(a)(i) is \$5 and the fee imposed in subsection (1)(a)(ii) is \$7 and all fees paid pursuant to this section must be deposited in the state general fund."~~

**Section 3.** Section 61-3-204, MCA, is amended to read:

**"61-3-204. Replacement certificate of title -- application.** (1) (a) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of \$10.

(b) ~~Until June 30, 2018, \$5~~ Five dollars of the fee must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5 must be deposited in the motor vehicle information technology system account provided for in 61-3-550.

~~(c) Beginning July 1, 2018, the fee for a replacement certificate of title is \$5 and the entire fee must be deposited in the state general fund.~~

(2) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title."

**Section 4.** Section 61-3-321, MCA, is amended to read:

- 1           **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**  
2 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon  
3 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,  
4 semitrailers, and pole trailers as provided in subsections (2) through (20):
- 5           (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light  
6 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:
- 7           (a) if the vehicle is 4 or less years old, \$217;  
8           (b) if the vehicle is 5 through 10 years old, \$87; and  
9           (c) if the vehicle is 11 or more years old, \$28.
- 10          (3) Except as provided in subsection (15), the one-time registration fee based on the declared weight  
11 of a trailer, semitrailer, or pole trailer is as follows:
- 12          (a) if the declared weight is less than 6,000 pounds, \$61.25; or  
13          (b) if the declared weight is 6,000 pounds or more, \$148.25.
- 14          (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and  
15 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:
- 16          (a) 2,850 pounds and over, \$10; and  
17          (b) under 2,850 pounds, \$5.
- 18          (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other  
19 than a quadricycle or motorcycle is \$61.25.
- 20          (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.
- 21          (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:
- 22               (i) less than 2 years old, \$282.50;  
23               (ii) 2 years old and less than 5 years old, \$224.25;  
24               (iii) 5 years old and less than 8 years old, \$132.50; and  
25               (iv) 8 years old and older, \$97.50.
- 26          (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee  
27 under this section may permanently register the motor home upon payment of:
- 28               (i) a one-time registration fee of \$237.50;  
29               (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be  
30 deposited in the account established under 61-6-158; and

- 1 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.
- 2 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and  
3 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles  
4 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 5 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as  
6 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 7 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the  
8 length of the travel trailer, is as follows:
- 9 (a) under 16 feet in length, \$72; and  
10 (b) 16 feet in length or longer, \$152.
- 11 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,  
12 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:
- 13 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,  
14 \$65.50;
- 15 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in  
16 length, \$125.50; and
- 17 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.
- 18 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a  
19 snowmobile is \$60.50.
- 20 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose  
21 of daily rental to customers is assessed:
- 22 (A) a fee of \$40.50 in the first year of registration; and  
23 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.
- 24 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently  
25 registered and the business is assessed the registration fee imposed in subsection (11)(a).
- 26 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.
- 27 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a  
28 low-speed restricted driver's license is \$25.
- 29 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and  
30 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,

1 which must be displayed visibly on the golf cart.

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

7 (b) ~~Until January 1, 2015, an~~ An additional fee of \$15 must be collected if a vehicle owner elects to keep  
8 the same license plate number from license plates issued ~~on or after January 1, 2006, but~~ before January 1,  
9 2010, when replacement of those plates is required under 61-3-332(3).

10 (c) The fees imposed in this subsection (13) must be deposited in the account established under  
11 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

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

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

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

23 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited  
24 in the state general fund.

25 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the  
26 enumerated vehicles or vessels that constitute inventory of the dealership.

27 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of  
28 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and  
29 transmitted separately from the registration fee. The fee must be deposited in an account in the state special  
30 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.

1 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing  
2 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

3 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person  
4 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election  
5 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not  
6 be collected.

7 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify  
8 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may  
9 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is  
10 made, the fee may not be collected at any subsequent annual registration unless the person makes the written  
11 election to pay the additional fee on one or more of the light vehicles.

12 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered  
13 to a different person.

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

17 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by  
18 61-3-721."

19

20 **Section 5.** Section 61-3-332, MCA, is amended to read:

21 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,  
22 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of  
23 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and  
24 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license  
25 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles  
26 owned by other persons.

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

1 license plate of the vehicle.

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

6 (c) For a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer that is permanently  
7 registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the word  
8 "permanent" on the plate in lieu of issuing a registration decal for the plate.

9 (3) (a) (i) New license plates issued under 61-3-303 or this section must be a standard license plate  
10 design first issued ~~within the last 35 years in 1989 or later~~ or current collegiate or generic ~~specialty~~ specialty  
11 license plate designs. For the purposes of this subsection (3), all military, veteran, and amateur radio license  
12 plates and any license plate with a wheelchair design, excluding collegiate or generic specialty plates with a  
13 wheelchair design, are treated as standard license plates.

14 (ii) License plates issued on or after January 1, 2010, must be replaced with new license plates if, upon  
15 renewal of registration under this section, the license plates are 5 or more years old or will become older than  
16 5 years during the registration period. New license plates must be issued in accordance with the implementation  
17 schedule adopted by the department under 61-3-315.

18 (iii) ~~Until January 1, 2015, and upon payment of the fee required in 61-3-321(13)(b), a~~ A vehicle owner  
19 may elect to keep the same license plate number from license plates issued ~~on or after January 1, 2006, but~~  
20 before January 1, 2010, when replacement of those plates is required under this subsection.

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

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

26 (d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, trailer,  
27 semitrailer, or pole trailer.

28 (e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461  
29 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative  
30 centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized

1 under 61-3-458.

2 (4) (a) All license plates must be metal and treated with a reflectorized background material according  
3 to specifications prescribed by the department. The word "Montana" must be placed on each license plate, and  
4 except for license plates that are 4 inches wide and 7 inches in length, the outline of the state of Montana must  
5 be used as a distinctive border on each standard license plate.

6 (b) Plates for semitrailers, travel trailers, pole trailers, trailers with a declared weight of 6,000 pounds or  
7 more, and motor vehicles, other than motorcycles and quadricycles, must be 6 inches wide and 12 inches in  
8 length.

9 (c) Plates for motorcycles and quadricycles must be 4 inches wide and 7 inches in length.

10 (d) The department shall issue plates that are 4 inches wide and 7 inches in length for trailers with a  
11 declared weight of less than 6,000 pounds unless a person registering a trailer with a declared weight of less than  
12 6,000 pounds requests plates that are 6 inches wide and 12 inches in length. A person registering a trailer shall  
13 pay all applicable fees for the plates chosen.

14 (5) The distinctive registration numbers for standard license plates must begin with a number one or with  
15 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.  
16 Except for special license plates, collegiate license plates, generic specialty license plates, and fleet license  
17 plates, and standard license plates that are 4 inches wide and 7 inches in length, the distinctive registration  
18 number or letter-number combination assigned to the motor vehicle must appear on the plate preceded by the  
19 number of the county and appearing in horizontal order on the same horizontal baseline. The county number must  
20 be separated from the distinctive registration number by a separation mark unless a letter-number combination  
21 is used. The dimensions of the numerals and letters must be determined by the department, and all county and  
22 registration numbers must be of equal height.

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

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

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

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

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

30 (9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may and

1 a person with a low-speed restricted driver's license operating a low-speed electric vehicle or golf cart as provided  
 2 in 61-5-122 must, upon written application on a form prescribed by the department, be issued a special license  
 3 plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

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

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

11 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that  
 12 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  
 13 61-3-733."

14

15 **Section 6.** Section 61-3-337, MCA, is amended to read:

16 **"61-3-337. Permanently registered motor homes -- plate restriction.** The following series of license  
 17 plates may not be used for purposes of permanent registration of a motor home:

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

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

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

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

22 ~~(5)~~(4) generic specialty license plates issued under 61-3-479."

23

24 **Section 7.** Section 61-3-550, MCA, is amended to read:

25 **"61-3-550. Motor vehicle information technology system account.** (1) There is a motor vehicle  
 26 information technology system account in the state special revenue fund provided for in 17-2-102.

27 (2) (a) ~~Until June 30, 2016, \$4 of the~~ The fee received by the department pursuant to 61-3-103(8) for a  
 28 security interest or other lien must be deposited in the account.

29 (b) ~~Until June 30, 2018, The~~ fees received by the department pursuant to 61-3-103(9) and \$5 of each  
 30 fee received under 61-3-203 or 61-3-204 for a certificate of title must be deposited in the account.

1 (3) The money in the motor vehicle information technology system account must be appropriated by the  
2 legislature to the department of justice and must be used by the department for the purpose of:

3 (a) repaying any indebtedness or loan incurred for the creation of a new information technology system  
4 for motor vehicles; or

5 (b) payment of costs directly incurred in the creation and support of the new motor vehicle information  
6 technology system."

7

8 **Section 8.** Section 61-3-562, MCA, is amended to read:

9 **"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules.** (1) (a) The owner  
10 of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2), may permanently  
11 register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and license fees  
12 under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for a generic  
13 specialty license plate under 61-3-480, and an amount equal to five times the local option motor vehicle tax or  
14 flat fee on vehicles under 61-3-537 and, as applicable, either:

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

16 (B) five times the renewal fees for personalized plates; or

17 (ii) if a new set of license plates is not being issued, an insurance verification fee of \$5, which must be  
18 deposited in the account established under 61-6-158.

19 (b) The following series of license plates may not be used for purposes of permanent registration of a  
20 light vehicle:

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

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

23 (iii) amateur radio operator license plates issued under 61-3-422; ~~and~~

24 ~~— (iv) collegiate license plates issued under 61-3-465.~~

25 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated  
26 capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under  
27 61-10-201.

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

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

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

7 (b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall  
 8 apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."  
 9

10 **Section 9.** Section 61-5-110, MCA, is amended to read:

11 **"61-5-110. Records check of applicants -- examination of applicants -- cooperative driver testing**  
 12 **programs -- reciprocal agreement with foreign country.** (1) Prior to examining an applicant for a driver's  
 13 license, the department shall conduct a check of the applicant's driving record by querying the national driver  
 14 register, established under 49 U.S.C. 30302, and the commercial driver's license information system, established  
 15 under 49 U.S.C. 31309.

16 (2) (a) The department shall examine each applicant for a driver's license or motorcycle endorsement,  
 17 except as otherwise provided in this section. The examination must include a test of the applicant's eyesight, a  
 18 knowledge test examining the applicant's ability to read and understand highway signs and the applicant's  
 19 knowledge of the traffic laws of this state, and, except as provided in 61-5-118, a road test or a skills test  
 20 demonstrating the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor  
 21 vehicle or motorcycle. The road test or skills test must be performed by the applicant in a motor vehicle that the  
 22 applicant certifies is representative of the class and type of motor vehicle for which the applicant is seeking a  
 23 license or endorsement.

24 (b) The knowledge test, road test, or skills test may be waived by the department ~~upon~~:

25 (i) upon certification of the applicant's successful completion of the test by a certified cooperative driver  
 26 testing program, as provided in subsection (3) or by a certified third-party commercial driver testing program as  
 27 provided in 61-5-118; or

28 (ii) in accordance with a driver's license agreement between the department and a foreign country.

29 (3) The department is authorized to certify as a cooperative driver testing program any state-approved  
 30 high school traffic education course offered by or in cooperation with a school district that employs an approved

1 instructor who has current endorsement from the superintendent of public instruction as a teacher of traffic  
2 education or any motorcycle safety training course approved by the board of regents and that employs an  
3 approved instructor of motorcycle safety training and who agrees to:

4 (a) administer standardized knowledge and road tests or skills tests required by the department to  
5 students participating in the district's high school traffic education courses or motorcycle safety training courses  
6 approved by the board of regents;

7 (b) certify the test results to the department; and

8 (c) comply with regulations of the department, the superintendent of public instruction, and the board of  
9 regents.

10 (4) (a) Except as otherwise provided by law, ~~a resident~~ an applicant who has a valid driver's license  
11 issued by another jurisdiction may surrender that license for a Montana license of the same class, type, and  
12 endorsement upon payment of the required fees and successful completion of a vision examination. In addition,  
13 ~~a resident~~ an applicant surrendering a commercial driver's license issued by another jurisdiction shall successfully  
14 complete any examination required by federal regulations before being issued a commercial driver's license by  
15 the department.

16 (b) The department may require an applicant who surrenders a valid driver's license issued by another  
17 jurisdiction to submit to a knowledge and road or skills test if:

18 (i) the applicant has a physical or mental disability, limitation, or condition that impairs, or may impair,  
19 the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the  
20 highway; and

21 (ii) the surrendered license does not include readily discernible adaptive equipment or operational  
22 restrictions appropriate to the applicant's functional abilities; or

23 (iii) the applicant wants to remove or modify a restriction imposed on the surrendered license.

24 (c) When a license from another jurisdiction is surrendered, the department shall notify the issuing  
25 agency from the other jurisdiction that the applicant has surrendered the license. If the applicant wants to retain  
26 the license from another jurisdiction for identification or other nondriving purposes, the department shall place  
27 a distinctive mark on the license, indicating that the license may be used for nondriving purposes only, and return  
28 the marked license to the applicant.

29 (5) The department may enter into a reciprocity agreement with a foreign country to provide for the  
30 mutual recognition and exchange of a valid driver's license issued by this state or the foreign country if the

1 department determines that the licensing standards of the foreign country are comparable to those of this state.  
 2 The agreement may not include the reciprocal exchange of a commercial driver's license."

3

4 **Section 10.** Section 61-5-301, MCA, is amended to read:

5 **"61-5-301. Indication on driver's license or identification card of intent to make anatomical gift**  
 6 **or of living will declaration.** (1) ~~The department of justice shall provide on each~~ An application furnished by the  
 7 department for the issuance or renewal of a driver's license under this chapter or for the issuance of an  
 8 identification card under Title 61, chapter 12, part 5, must include spaces for indicating when the licensee has:

9 (a) executed a document under 72-17-201 of intent to make a gift of all or part of the driver's body under  
 10 the Uniform Anatomical Gift Act; or

11 (b) executed a declaration under 50-9-103 relating to the use of life-sustaining treatment.

12 (2) The department shall provide each applicant, ~~at the time of application for a new~~ when applying for  
 13 or renewing a driver's license or for a renewal applying for an identification card, printed information calling the  
 14 applicant's attention to the provisions of this section. Each applicant must be asked orally if the applicant wishes  
 15 to make an anatomical gift and if the applicant has executed the declaration under 50-9-103 relating to the use  
 16 of life-sustaining treatment.

17 (3) Each applicant must be given an opportunity to indicate in the spaces provided under subsection (1)  
 18 the applicant's intent to make an anatomical gift or that the applicant has executed the declaration under 50-9-103  
 19 relating to the use of life-sustaining treatment.

20 (4) The department shall issue to each applicant who indicates an intent to make an anatomical gift a  
 21 statement that, when signed by the licensee in the manner prescribed in 72-17-201, constitutes a document of  
 22 anatomical gift. ~~This statement must be printed on a sticker that the donor may attach permanently to the back~~  
 23 If an applicant signs a statement under this subsection, a symbol indicating that the donor has made an  
 24 anatomical gift must be imprinted on the face of the donor's driver's license or identification card.

25 (5) The department shall electronically transfer the information of all persons who volunteer, upon  
 26 application for a driver's license or an identification card, to donate organs or tissue to the organ and tissue  
 27 donation registry created in 72-17-105 and 72-17-106 and any subsequent changes to the applicant's donor  
 28 status."

29

30 **Section 11.** Section 61-11-101, MCA, is amended to read:

1           **"61-11-101. Report of convictions and suspension or revocation of driver's licenses -- surrender**  
 2 **of licenses.** (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8, makes mandatory  
 3 the suspension or revocation of the driver's license or commercial driver's license of the person by the  
 4 department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then  
 5 held by the convicted person. The court shall, within 5 days after the conviction ~~becomes final~~, forward the license  
 6 and a record of the conviction to the department. If the person does not possess a driver's license, the court shall  
 7 indicate that fact in its report to the department.

8           (2) A court having jurisdiction over offenses committed under a statute of this state or a municipal  
 9 ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or  
 10 ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days after  
 11 the conviction ~~becomes final~~. The court may recommend that the department issue a restricted probationary  
 12 license on the condition that the individual comply with the requirement that the person attend and complete a  
 13 chemical dependency education course, treatment, or both, as ordered by the court under 61-8-732.

14           (3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any  
 15 action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication  
 16 upon which it is based to the department within 5 days on forms furnished by the department.

17           ~~(4) A conviction becomes final for the purposes of this part upon the later of:~~  
 18 ~~—— (a) expiration of the time for appeal of the court's judgment or sentence to the next highest court;~~  
 19 ~~—— (b) forfeiture of bail that is not vacated; or~~  
 20 ~~—— (c) imposition of a fine or court cost as a condition of a deferred imposition of a sentence or a suspended~~  
 21 ~~execution of a sentence.~~

22           ~~(5)~~(4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's  
 23 license or who is required to hold a commercial driver's license, a court may not take any action, including  
 24 deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control  
 25 law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person's  
 26 driving record. The provisions of this subsection ~~(5)(a)~~ (4)(a) apply only to the conviction of a person who holds  
 27 a commercial driver's license or who is required to hold a commercial driver's license and do not apply to the  
 28 conviction of a person who holds any other type of driver's license.

29           (b) For purposes of this subsection ~~(5)~~ (4), "who is required to hold a commercial driver's license" refers  
 30 to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle

1 at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in  
2 subsection (1).

3 ~~(6)~~(5) (a) If a person who holds a valid registry identification card issued pursuant to 50-46-307 or  
4 50-46-308 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs  
5 when the initial offense with which the person was charged was a violation of 61-8-401, 61-8-406, or 61-8-410,  
6 the court in which the conviction occurs shall require the person to surrender the registry identification card.

7 (b) Within 5 days after the conviction becomes final, the court shall forward the registry identification card  
8 and a copy of the conviction to the department of public health and human services."  
9

10 **NEW SECTION. Section 12. Repealer.** The following section of the Montana Code Annotated is  
11 repealed:

12 61-3-424. List of amateur radio operator license plates -- distribution to public officials.  
13

14 **NEW SECTION. Section 13. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
15 effective October 1, 2013.

16 (2) [Sections 4 through 6 and 8 through 10] and this section are effective on passage and approval.  
17

- END -