

SENATE BILL NO. 159

INTRODUCED BY B. HAMLETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MOTOR VEHICLE REGISTRATION TRAUMATIC BRAIN INJURY DONATION LAWS; PROVIDING FOR USE OF THE FUNDS TO EDUCATE AND SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH TRAUMATIC BRAIN INJURIES, INCLUDING MILITARY SERVICE PERSONNEL; CHANGING THE CONTRIBUTION TO AN AUTOMATIC DONATION WITH AN OPT-OUT PROVISION; AMENDING SECTIONS 2-15-2218 AND 61-3-303, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 2-15-2218, MCA, is amended to read:

"2-15-2218. Traumatic brain injury account. (1) There is a traumatic brain injury account in the state special revenue fund ~~for purposes of traumatic brain injury prevention, education, and support.~~

(2) Money in this account may be used by the department of public health and human services ~~to fund the advisory council and to provide grants for public information and prevention education regarding traumatic brain injury for funding activities that educate and support recovery of individuals and families living with traumatic brain injuries, including military service personnel, promoting brain injury prevention, and supporting the traumatic brain injury advisory council.~~

Section 2. Section 61-3-303, MCA, is amended to read:

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

(2) Except as provided in subsections (3) and (11), the county treasurer shall register any vehicle for which:

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



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

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

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

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

15 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
16 61-3-101;

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

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

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

20 and

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

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

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

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

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

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

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

30 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under

1 61-3-321 and 61-3-529; or

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

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

6 (c) ~~a unless the person opts out of the donation, an automatic donation of \$1 or more if the person~~
7 ~~indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic~~
8 ~~brain injury to fund activities that educate and support recovery of individuals and families living with traumatic~~
9 ~~brain injuries, including military service personnel, to promote brain injury prevention, and to support the traumatic~~
10 ~~brain injury advisory council.~~

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

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

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

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

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

1 taxes, and fees.

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

6 (11) Beginning January 1, 2013, the county treasurer shall use the online motor vehicle liability insurance
7 verification system provided in 61-6-157 to verify that the vehicle owner has complied with the requirements of
8 61-6-301."

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10 NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2014.

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