



AN ACT REVISING MOTOR VEHICLE REGISTRATION; REQUIRING THE DEPARTMENT OF JUSTICE TO DEFINE THE NUMBER OF VEHICLES NEEDED TO CONSTITUTE A FLEET; EXEMPTING VEHICLES WITH FLEET LICENSE PLATES FROM NEEDING REGISTRATION DECALS TO BE AFFIXED; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 61-3-318, 61-3-323, 61-3-324, 61-3-325, AND 61-14-101, MCA.

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

Section 1. Section 61-3-318, MCA, is amended to read:

"61-3-318. Fleet registration period. (1) (a) Notwithstanding any other provisions of this title regarding the registration of motor vehicles, a person owning or leasing a fleet may register its fleet for a 6-month or a 9-month period, commencing from the date of original registration.

(b) A motor vehicle remaining in the fleet at the end of a 6-month or a 9-month period must be reregistered for a minimum of 12 months.

(2) As used in this section, "fleet" means ~~more than 25~~ automobiles or trucks having a rated capacity of three-quarters of a ton or less that are rented or offered for rental without drivers and that are designated by a rental owner as a rental fleet in a quantity set by the department pursuant to 61-14-101."

Section 2. Section 61-3-323, MCA, is amended to read:

"61-3-323. Definitions. As used in 61-3-323 through 61-3-325, unless the context requires otherwise, the following definitions apply:

(1) "Domicile" means the county in which a motor vehicle is most frequently used, dispatched, or controlled.

(2) "Fleet" means ~~400 or more~~ motor vehicles, trailers, semitrailers, or pole trailers owned or leased

by a person operating the motor vehicles, trailers, semitrailers, or pole trailers in this state in a quantity set by the department pursuant to 61-14-101."

Section 3. Section 61-3-324, MCA, is amended to read:

"61-3-324. Fleet registration -- application -- additions to and deletions from fleet. (1) A person owning or leasing a fleet may register the fleet annually through the department in lieu of registering each motor vehicle, trailer, semitrailer, or pole trailer in its domicile.

(2) ~~(a) Except as provided in subsection (2)(b), fleet registration information, as prescribed by the department, must be submitted to the department prior to November 1 of each year.~~

~~(b) The fleet owner or lessor and the department may enter into an agreement to change the registration period for the fleet in a manner that comports with the requirements of 61-3-311(3).~~

(3) A motor vehicle, trailer, semitrailer, or pole trailer may be added to the fleet at any time during the registration period. If a certificate of title for a vehicle to be added to the fleet has not been issued by the department, the fleet owner or lessor may submit the application for certificate of title directly to the department.

(4) A motor vehicle, trailer, semitrailer, or pole trailer may be removed from a fleet if the fleet owner or lessor notifies the department of its removal. Upon receipt of the notice, the department shall cancel the vehicle's registration."

Section 4. Section 61-3-325, MCA, is amended to read:

"61-3-325. Fleet registration -- license plates. (1) ~~(a) The department or an authorized agent shall compute fees and taxes due on each motor vehicle, trailer, semitrailer, or pole trailer in the fleet as provided in parts 3 and 5 of this chapter, based on its domicile.~~

~~(b) Unless the fleet's registration period is changed under 61-3-324, all fees and taxes must be paid no later than February 15 each year.~~

(2) The department may issue a separate series of license plates for fleet vehicles that do not require a registration decal to be affixed. Fleet series license plates may have the same background as standard license plates issued under 61-3-332 but may have a separate numbering system determined by the department pursuant to 61-14-101. ~~that have the same background as standard license plates issued under 61-~~

~~3-332 but have a separate numbering system determined by the department.~~ At the request of the fleet owner or lessor and upon payment of all applicable fees, a license plate type other than the fleet plate may be issued to a fleet vehicle."

Section 5. Section 61-14-101, MCA, is amended to read:

"61-14-101. Rulemaking authority -- vehicle services. (1) The department shall adopt rules for the registration of motor vehicles, including:

- (a) (i) simultaneous registration of multiple motor vehicles that have common ownership;
 - (ii) defining the term "fleet" as used in 61-3-318 and 61-3-323; and
 - (iii) the issuance of fleet series license plates provided for in 61-3-325;
 - (b) verification of compliance with 61-6-301 before registering or renewing a registration of a vehicle or issuing new license plates required by 61-3-332(3);
 - (c) devising a method to place license plates on the 5-year reissuance cycle to minimize production peaks and valleys;
 - (d) early registration renewals when an owner of a motor vehicle presents extenuating circumstances;
- and
- (e) automated mailing of license plates by the department or its authorized agent, including an agent under contract with the department pursuant to 61-3-338.
- (2) The department shall adopt rules to procure compliance with all of the laws of the state regulating the issuance of motor vehicle, trailer, semitrailer, or pole trailer licenses relating to the use and operation of motor vehicles, trailers, semitrailers, or pole trailers before issuing the lettered license plates pursuant to 61-3-423.
- (3) The department may adopt rules to establish vehicle brands or carried-forward brands according to 61-3-202.
- (4) The department may adopt rules governing affidavit and bond for certificate of title pursuant to 61-3-208.
- (5) The department may adopt rules for the implementation and administration of temporary registration permits, pursuant to 61-3-224, including issuance to:

- (a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle or vessel under Title 61, chapter 3;
 - (b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-107 or 61-3-212;
 - (c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for a vehicle under Title 61, chapter 3;
 - (d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;
 - (e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state;
 - (f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession;
 - (g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle by the insurer as a result of the settlement of an insurance claim;
 - (h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road recreational use is equipped for use on the highways as prescribed in Title 61, chapter 9, but the quadricycle or motorcycle designated for off-road recreational use is not registered or is only registered for off-road use in the nonresident's home state; or
 - (i) a new owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certification of title.
- (6) The department may adopt rules for the assessment and collection of registration fees on light vehicles under 61-3-321 and 61-3-562, including the proration of fees under 61-3-520 and criteria for

determining the motor vehicle's age.

(7) The department may adopt rules for imposing and collecting fees in lieu of tax, including:

- (a) the proration of fees in lieu of tax under 61-3-520 on buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors;
- (b) criteria for determining the motor vehicle's age; and
- (c) criteria for determining the manufacturer's rated capacity.

(8) The department may adopt rules, pursuant to Title 61, chapter 3, for the administration of fees for trailers, semitrailers, and pole trailers, including criteria for determining a trailer's age and weight.

(9) The department shall adopt rules for generic specialty license plates issued pursuant to 61-3-472 through 61-3-481, including:

- (a) the minimum and maximum number of characters that a generic specialty license plate may display;
- (b) the general placement of the sponsor's name, identifying phrase, and graphic; and
- (c) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(10) The department may adopt rules governing dealers pursuant to the provisions of Title 61, chapter 4, including:

- (a) the application and issuance of dealer licenses, including the qualifications of dealers, and the staggering of expiration dates pursuant to 61-4-101;
- (b) the issuance of dealer, demonstrator, courtesy, and transit plates pursuant to 61-4-102, 61-4-128 through 61-4-130, 61-4-301, 61-4-307, and 61-4-308;
- (c) the application and process for renewing a dealer license pursuant to 61-4-124; and
- (d) governing the regulation of persons required to be licensed pursuant to Title 61, chapter 4, part 2.

(11) The department may adopt rules for local option tax appeals pursuant to 15-15-201.

(12) The department may adopt rules to implement any other provision of this title."

- END -

I hereby certify that the within bill,
HB 247, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 247

INTRODUCED BY M. BERTOGLIO

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