

1 SENATE BILL NO. 139

2 INTRODUCED BY FRANKLIN E

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON VETERANS' NEEDS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO IMPOSE A
6 \$10 FEE TO ISSUE NATIONAL GUARD VETERANS' LICENSE PLATES TO NATIONAL GUARD VETERANS
7 OR TO THEIR SURVIVING SPOUSES; AMENDING SECTION 61-3-332, MCA; SUBMITTING THE LICENSE
8 FEE TO THE ELECTORATE; PROVIDING A CONTINGENT VOIDNESS PROVISION; AND PROVIDING AN
9 EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

12
13 **Section 1.** Section 61-3-332, MCA, is amended to read:

14 **"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of Montana
15 must display both front and rear number plates, bearing the distinctive number assigned to the vehicle. The
16 number plates are in 10 series: one series for owners of motorcars, one for owners of motor vehicles of the
17 motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle or
18 quadricycle type that bear the distinctive letters "MCD" or the letters "MC" and the word "DEALER", one for
19 franchised dealers in new motorcars (including trucks and trailers) or new and used motorcars (including trucks
20 and trailers) that bear the distinctive letter "D" or the word "DEALER", one for dealers in used motorcars only
21 (including used trucks and trailers) that bear the distinctive letters "UD" or the letter "U" and the word "DEALER",
22 one for dealers in trailers and/or semitrailers (new or used) that bear the distinctive letters "DTR" or the letters
23 "TR" and the word "DEALER", one for dealers in recreational vehicles that bear the distinctive letters "RV" or the
24 letter "R" and the word "DEALER", and one for special license plates. All markings for the various kinds of
25 dealers' plates must be placed on the number plates assigned to the dealer, in the position that the department
26 designates.

27 (2) All number plates for motor vehicles must be issued for a minimum period of 4 years, bear a
28 distinctive marking, and be furnished by the state. In years when number plates are not issued, the department
29 shall provide nonremovable stickers bearing appropriate registration numbers that must be affixed to the license
30 plates in use.

1 (3) Subject to the provisions of this section, the department shall create a new design for number plates
2 as provided in this section.

3 (4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in length.
4 The outline of the state of Montana must be used as a distinctive border on the license plates, and the word
5 "Montana" and the year must be placed across the plates. Registration plates must be treated with a reflectorized
6 background material according to specifications prescribed by the department.

7 (5) The distinctive registration numbers must begin with a number one or with a letter-number
8 combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive
9 registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by
10 the number of the county and appearing in horizontal order on the same horizontal baseline. The county number
11 must be separated from the distinctive registration number by a separation mark unless a letter-number
12 combination is used. The dimensions of the numerals and letters must be determined by the department, and
13 all county and registration numbers must be of equal height.

14 (6) For the use of tax-exempt motor vehicles, in addition to the markings provided in this section, number
15 plates must bear the following distinctive markings:

16 (a) For vehicles owned by the state, the department may designate the prefix number for the various
17 state departments. All numbered plates issued to state departments must bear the words "State Owned", and
18 a year number may not be indicated on the plates because these numbered plates are of a permanent nature
19 and will be replaced by the department only when the physical condition of numbered plates requires it.

20 (b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in
21 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by
22 officials and employees in the line of duty and for vehicles on loan from the United States government or the state
23 of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of
24 duty, there must be placed on the number plates assigned, in a position that the department may designate, the
25 letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each
26 of the counties in the state and those of the municipalities and special districts that obtain plates within each
27 county must begin with number one and be numbered consecutively. Because these number plates are of a
28 permanent nature, they are subject to replacement by the department only when the physical condition of the
29 number plates requires it and a year number may not be displayed on the number plates.

30 (7) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt

1 trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on plates assigned to trucks
2 and the letters "TR" or the word "TRAILER" on plates assigned to trailers and housetrailers. The letters "MC" or
3 the word "CYCLE" must appear on plates assigned to vehicles of the motorcycle or quadricycle type.

4 (8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or quadricycle
5 type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or quadricycle-type
6 vehicle. A registration or license fee may not be assessed upon a transfer of a number plate under 61-3-317 and
7 61-3-335.

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

17 (10) Each type of special license plate approved by the legislature, except collegiate license plates
18 authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5), except that
19 the county number must be replaced by a nonremovable design or decal designating the group or organization
20 to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject
21 to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a
22 vehicle owned by the person who is eligible to receive them, and must be removed upon sale or other disposition
23 of the vehicle. The special license plates must be issued to national guard members, former prisoners of war,
24 persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed
25 services, national guard veterans, or veterans of the armed services who were awarded the purple heart medal,
26 who comply with the following provisions:

27 (a) (i) An active member of the Montana national guard may be issued special license plates with a
28 design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the
29 Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets
30 of two with a different number on each set, and the member shall surrender the plates to the department upon

1 becoming ineligible to use them.

2 (ii) The department may issue national guard veteran plates, bearing a design or decal displaying the
3 Montana national guard insignia and the words "National Guard Veteran" and numbered in sets of two with a
4 different number on each set, to an applicant who presents to the department a copy of certification of national
5 guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased
6 spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard
7 veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of
8 subsections (10)(f)(iii) and (10)(f)(iv).

9 (b) An active member of the reserve armed forces of the United States of America who is a resident of
10 this state may be issued special license plates with a design or decal displaying the following: United States army
11 reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol);
12 and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces
13 reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special
14 license plates, numbered in sets of two with a different number on each set. The member shall surrender the
15 plates to the department upon becoming ineligible to use them.

16 (c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who is 100%
17 disabled because of an injury that has been determined by the department of veterans affairs to be
18 service-connected may, upon presentation to the department of proof of the 100% disability, be issued:

19 (A) a special license plate under this section with a design or decal displaying the letters "DV"; or

20 (B) one set of any other military-related plates that the disabled veteran is eligible to receive under this
21 section.

22 (ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle or a
23 truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that vehicle
24 under this chapter.

25 (iii) Special license plates issued to a disabled veteran are not transferable to another person.

26 (iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one
27 vehicle.

28 (v) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran
29 is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

30 (d) A Montana resident who is a veteran of the armed forces of the United States and was captured and

1 held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon
2 application and presentation of proof be issued special license plates, numbered in sets of two with a different
3 number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the
4 department considers appropriate.

5 (e) Except as provided in subsection (10)(c), upon payment of all taxes and fees required by parts 3 and
6 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the
7 requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the
8 armed services of the United States special license plates, numbered in sets of two with a different number on
9 each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a
10 member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during
11 the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or offshore at a distance
12 of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special
13 license plates issued under this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to
14 replacement plates upon request and without charge.

15 (f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran
16 of the armed services of the United States may be issued license plates inscribed as provided in subsection
17 (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or
18 was awarded the purple heart medal:

19 (i) Upon submission of a department of defense form 214(DD-214) or its successor or documents
20 showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant
21 documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in
22 lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different
23 number on each set. The plates must display:

24 (A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United
25 States air force, United States marine corps, or United States coast guard, according to the record of service
26 verified in the application; or

27 (B) a symbol representing the purple heart medal.

28 (ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified
29 veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the
30 veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other

1 disposition of the vehicle.

2 (iii) Except as provided in subsection (10)(c), a veteran or surviving spouse who receives special license
3 plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this
4 chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an original application for
5 a license under this subsection (10)(f), the county treasurer shall:

6 (A) deposit \$3 of the special fee in the county general fund;

7 (B) remit \$1 for deposit in the state general fund; and

8 (C) deposit the remainder of the special fee in the state special revenue account established in 10-2-603
9 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

10 (iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special
11 fee as provided in subsection (10)(f)(iii)(C).

12 (g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon
13 written application on a form prescribed by the department, be issued a special license plate with a design or
14 decal bearing a representation of a wheelchair as the symbol of a person with a disability.

15 (11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered
16 as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."
17

18 **NEW SECTION. Section 2. Submission of license plate fee to electorate.** This act shall be submitted
19 to the qualified electors as provided in Title 13, chapter 1, MCA, at the tax election to be held in 1999, by printing
20 on the ballot the full title of this act and the following:

21 SHALL A NEW TAX, DESCRIBED AS FOLLOWS, BE IMPOSED?

22 FOR imposing a \$10 fee to issue license plates to national guard veterans or their surviving
23 spouses.

24 AGAINST imposing a \$10 fee to issue license plates to national guard veterans or their surviving
25 spouses.

26
27 **NEW SECTION. Section 3. Contingent voidness.** If Constitutional Initiative No. 75, enacting Article
28 VIII, section 17, of the Montana constitution, is declared invalid, then this act is void.

29
30 **NEW SECTION. Section 4. Effective date -- applicability.** This act is effective January 1, 2000, and

1 applies to registrations of motor vehicles occurring after December 31, 1999.

2 - END -

