

HOUSE BILL NO. 698
INTRODUCED BY K. GILLAN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A TRAUMATIC BRAIN INJURY ADVISORY COUNCIL; CREATING A TRAUMATIC BRAIN INJURY ACCOUNT FOR PUBLIC INFORMATION AND EDUCATION ON TRAUMATIC BRAIN INJURY; ALLOWING FOR A VOLUNTARY DONATION ON MOTOR VEHICLE REGISTRATION FOR THE TRAUMATIC BRAIN INJURY FUND; AMENDING SECTION 61-3-303, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Traumatic brain injury advisory council.** (1) There is a traumatic brain injury advisory council attached to the department of public health and human services for administrative purposes only as prescribed in 2-15-121.

(2) The council is composed of the following members:

- (a) the director of the department of public health and human services or a designee;
- (b) the superintendent of public instruction or a designee;
- (c) a representative of a program that provides senior and long-term care services appointed by the director of the department of public health and human services;
- (d) the commissioner of insurance or a designee;
- (e) the attorney general or a designee; and
- (f) nine members of the public, appointed by the governor, who represent:
 - (i) survivors of traumatic brain injury or family members of survivors of traumatic brain injury;
 - (ii) injury control or prevention programs; and
 - (iii) advocates for brain-injured persons.

(3) The public members of the advisory council shall serve 3-year terms. The initial appointments may specify a shorter length of the initial term in order to stagger the terms. Vacancies must be filled for the balance of an unexpired term. A member of the council may be reappointed.

(4) The advisory council shall meet quarterly, and the director of the department of public health and human services or a designee shall serve as presiding officer.

(5) The members of the council shall serve without compensation but must be reimbursed as provided

in 2-18-501 through 2-18-503.

(6) The advisory council shall:

(a) advise and make recommendations to the department of public health and human services and other state agencies on ways to improve and develop services regarding traumatic brain injury, including coordination of services between public and private entities;

(b) encourage citizen participation through the establishment of public hearings and other types of community outreach and prevention activities;

(c) encourage and stimulate research, public awareness, education, and prevention activities; and

(d) advise the department of public health and human services on the expenditures of the traumatic brain injury account established in [section 2] and any grants made from that account.

NEW SECTION. Section 2. 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.

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

"61-3-303. Application for registration. (1) Each owner of a motor vehicle operated or driven upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided in this section, file in the office of the county treasurer in the county where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned an application for registration or reregistration on a form prescribed by the department. The application must contain:

(a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;

(b) the name and address of the holder of any security interest in the motor vehicle;

(c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated

capacity is 1 ton or less, and type of body and, if a truck, the manufacturer's rated capacity;

(d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733;

(e) a space in which the person registering the vehicle may indicate the person's desire to donate \$1 or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts; and

(f) other information that the department may require.

(2) A person who files an application for registration or reregistration of a motor vehicle, except of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall upon the filing of the application pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of registration and the immediately previous year; ~~and~~

(c) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

(d) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote education and awareness of traumatic brain injury.

(3) The application may not be accepted by the county treasurer unless the payments required by subsection (2) accompany the application. Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) the immediately previous year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

(4) The department may make full and complete investigation of the status of the vehicle. An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department.

(5) Revenue that accrues from the voluntary donation provided in subsection (2)(c) must be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and

education efforts for procurement of organ and tissue donations for anatomical gifts.

(6) Revenue that accrues from the voluntary donation provided in subsection (2)(d) must be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit of the account established in [section 2] to support activities related to education regarding prevention of traumatic brain injury."

NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 2, chapter 15, part 22, and the provisions of Title 2, chapter 15, part 22, apply to [sections 1 and 2].

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2003.

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