

SENATE BILL NO. 435  
INTRODUCED BY KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PERMANENT REGISTRATION OF A LIGHT VEHICLE THAT IS 11 YEARS OLD OR OLDER; REVISING THE FEES APPLICABLE TO A PERMANENT REGISTRATION; REVISING THE ALLOCATION OF THE FEES FOR PERMANENTLY REGISTERED VEHICLES; AMENDING SECTIONS 15-1-122, 61-3-315, 61-3-561, AND 61-3-562, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 15-1-122, MCA, is amended to read:

**"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) \$75,000 in fiscal year 2003;

(b) \$2,960,715 in fiscal year 2004; and

(c) in each succeeding fiscal year, the amount in subsection (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For ~~fiscal year 2002 and for each succeeding~~ fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW ~~that is annually~~ registered for licensing pursuant to Title 61, chapter 3, part 3, and \$2 BEGINNING IN CALENDAR YEAR 2005, \$4 for each permanently registered vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its

payment must be used as provided in 75-10-532;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in 23-2-803;

and

(ii) \$1.50 for each annually registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles weighing more than 1 ton, motorcycle, quadricycle, and motor home subject to registration or reregistration pursuant to 61-3-321 and \$3 BEGINNING IN CALENDAR YEAR 2005, \$6 for each permanently registered light vehicle;

(c) to the department of fish, wildlife, and parks:

(i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) \$5 for each snowmobile registered under 23-2-616, with \$2.50 to be used for enforcing the purposes of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;

(iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 for each recreational vehicle, camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 or 61-3-524; and

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h) AND BEGINNING IN CALENDAR YEAR 2005, 20 CENTS FOR EACH LIGHT VEHICLE SUBJECT TO REGISTRATION OR REREGISTRATION PURSUANT TO 61-3-321;

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents FOR CALENDAR YEAR 2004 AND 50 CENTS IN EACH SUCCEEDING CALENDAR YEAR for each motor vehicle registered, other than trailers or semitrailers registered in other jurisdictions and registered through a proportional

registration agreement; and

(f) 25 cents a year for each ~~annually registered~~ vehicle and ~~\$1~~ BEGINNING IN CALENDAR YEAR 2005, \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(4) For fiscal year 2002, there is transferred from the state general fund to the state special revenue fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in lieu of the amount deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001.

(5) For each fiscal year, ~~beginning with fiscal year 2002~~, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. PERMANENTLY REGISTERED VEHICLES MAY BE INCLUDED IN VEHICLE COUNTS ONLY IN THE YEAR IN WHICH THE VEHICLE IS REGISTERED OR REREGISTERED. ~~Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000.~~ Transfer amounts in each ~~succeeding~~ fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available.

(6) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

**Section 2.** Section 61-3-315, MCA, is amended to read:

**"61-3-315. Reregistration on anniversary date -- department to make rules.** (1) A vehicle that has been registered for any of the periods designated in 61-3-314 must be reregistered for the same period on or before the anniversary date of the initial registration unless that period is changed as provided in subsections (2) and (4). The anniversary date for reregistration is the last day of the month for the designated registration period.

(2) (a) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, may register the motor vehicle for a period not to exceed 24 months. The registration expires on the last day of the 24th month commencing from the date of the designated registration period under 61-3-314 for which the vehicle is registered.

(b) The owner of a motor vehicle 11 years old or older subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, ~~may~~ shall permanently register the motor vehicle as provided in 61-3-562. The registration remains in effect until ownership of the vehicle

is transferred to another person by the registered owner.

(3) The department shall adopt rules for the implementation and administration of 61-3-313 through 61-3-316 and for the identification of the registration on the vehicles.

(4) The department shall provide for simultaneous registration of multiple vehicles that have common ownership. The rules must provide for a change of the registration period to coincide with the date an owner desires to register the vehicles."

**Section 3.** Section 61-3-561, MCA, is amended to read:

**"61-3-561. Schedule of fees for light vehicles -- limitation on fee -- payment of fee required for operation.** (1) The following schedule, based on vehicle age, is used to determine the annual registration fee imposed by 61-3-560:

Vehicle Age (in years)	Annual Fee
4 or less	\$195
5-10	65
11 or more	6

(2) A light vehicle subject to the registration fee imposed by 61-3-560 may not be operated unless the fee has been paid and the vehicle is licensed. A lien for fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees have been paid.

(3) For the purposes of this section, "vehicle age" means the age of the vehicle determined by subtracting the manufacturer's model year of the vehicle from the calendar year for which the registration fee is due."

**Section 4.** Section 61-3-562, MCA, is amended to read:

**"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules.** (1) (a) The owner of a light vehicle 11 years old or older subject to the registration fee, as provided in ~~61-3-561~~ 61-3-315(2)(b), may ~~shall~~ permanently register the vehicle. For the calendar year commencing January 1, 2004, the registration fee is \$25, and for all succeeding years, the fee is upon payment of a \$50 registration fee. The owner of the vehicle shall also pay the applicable registration and license fees under 61-3-321; and ~~an amount equal to five times the applicable fees imposed for each of the following:~~

- (i) ~~a \$2 \$4 junk vehicle disposal fees~~ fee to be allocated under 15-1-122(3)(a);
- (ii) ~~a \$3 \$6 weed control fees~~ fee to be allocated under 15-1-122(3)(b);

~~(iii) the former county motor vehicle computer fees under 61-3-511;~~  
~~(iv)(iii) the local option vehicle tax or flat fee on vehicles under 61-3-537 for the current calendar year;~~  
~~(v)(iv) if applicable, license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406 FOR THE CURRENT YEAR;~~  
~~(vi)(v) if applicable, the amateur radio operator license plate fee under 61-3-422 FOR THE CURRENT YEAR;~~  
~~(vii)(vi) if applicable, the annual scholarship donation fee under 61-3-465 FOR THE CURRENT YEAR; and~~  
~~(viii)(vii) a \$1 senior citizens and persons with disabilities transportation services ~~fees~~ fee AND BEGINNING IN CALENDAR YEAR 2005, A \$1.25 FEE to be deposited as provided in 61-3-321(6).~~

(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional \$2 \$1.25 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the ~~\$2~~ \$1.25 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(C) THE FEES ASSOCIATED WITH THE FOLLOWING SERIES OF LICENSE PLATES MUST BE PAID ONLY ONCE, IN THE YEAR OF REGISTRATION OR REREGISTRATION, TO BE USED FOR PURPOSES OF PERMANENT REGISTRATION OF A VEHICLE:

- (I) MONTANA NATIONAL GUARD LICENSE PLATES ISSUED UNDER 61-3-332(10)(A)(I);
- (II) RESERVE ARMED FORCES LICENSE PLATES ISSUED UNDER 61-3-332(10)(B);
- (III) LICENSE PLATES BEARING A WHEELCHAIR DESIGN AS A SYMBOL OF A PERSON WITH A DISABILITY ISSUED UNDER 61-3-332(10)(G);
- (IV) AMATEUR RADIO OPERATOR LICENSE PLATES ISSUED UNDER 61-3-422; AND
- (V) GENERIC SPECIALTY LICENSE PLATES ISSUED UNDER 61-3-479.

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

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall:

(a) distribute the ~~\$50~~ applicable permanent registration fee collected under ~~this section~~ subsection (1)(a) and the local option vehicle tax fee collected under this section as provided in 61-3-509;

(b) once each month, remit to the department of revenue the amounts collected under this section, ~~other than the local option vehicle tax or flat fee~~, for the purposes of 61-3-321(3) and 61-10-201. ~~The county treasurer~~

~~shall retain the local option vehicle tax or flat fee.~~

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

(b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of ownership under 61-3-201 and file an application for registration under 61-3-303. (Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

NEW SECTION. SECTION 5. COORDINATION INSTRUCTION. IF SENATE BILL NO. 118 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTION 16] OF SENATE BILL NO. 118, AMENDING 61-3-562, IS VOID.

NEW SECTION. Section 6. Effective date. [This act] is effective January 1, 2004.

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