

SENATE BILL NO. 383

INTRODUCED BY J. LASLOVICH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING FULL-SIZE LICENSE PLATES FOR QUADRICYCLES
5 AND OFF-HIGHWAY VEHICLES; REVISING REGISTRATION REQUIREMENTS FOR QUADRICYCLES AND
6 OFF-HIGHWAY VEHICLES; REQUIRING LICENSE PLATES ON THE FRONT AND REAR OF QUADRICYCLES
7 AND OFF-HIGHWAY VEHICLES; ALLOWING PERSONALIZED AND SPECIALTY LICENSE PLATES TO BE
8 ISSUED TO QUADRICYCLES AND OFF-HIGHWAY VEHICLES; AMENDING SECTIONS 23-2-804, 23-2-807,
9 23-2-809, 61-1-101, 61-3-301, 61-3-303, 61-3-313, 61-3-321, 61-3-332, 61-3-333, 61-3-402, 61-3-415, 61-3-458,
10 61-3-463, 61-3-479, 61-3-481, AND 61-3-509, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

13
14 **Section 1.** Section 23-2-804, MCA, is amended to read:
15 **"23-2-804. Decal License plate or plates required.** (1) Except as provided in 23-2-802; and 23-2-814,
16 a person may not operate an off-highway vehicle may not be operated by a person for off-road recreation on
17 public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the
18 department of justice and issued by the county treasurer, as visual proof that the following fees have been paid:
19 ——— (a) the registration fee provided for in 61-3-321(5); or
20 ——— (b) when the vehicle will be used as provided in this section, the registration and taxation fees for
21 motorcycles and quadricycles subject to licensure under 61-3-321(8), as evidenced by presentation of an owner's
22 certificate of registration and payment receipt. The county treasurer may confirm the registration status of a
23 motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic
24 record of title for the vehicle.
25 ——— (2) The decal must be serially numbered: the vehicle is properly registered as an off-highway vehicle and
26 displays the license plate or plates assigned to the vehicle when it is titled and registered under Title 61, chapter
27 3. The registration decal affixed to the license plate or plates must indicate, based on the registration fees paid
28 under 61-3-321, that the vehicle is registered for either off-road use only or for both off-road use and use on public
29 highways. The license plate for motorcycles and one of the plates required for other off-highway vehicles,
30 including quadricycles, must be obviously visible and firmly attached to the rear of the off-highway vehicle.

1 (2) If a person had previously registered a quadricycle or other off-highway vehicle under Title 61, chapter
 2 3, then that person shall immediately apply for and obtain license plates under this section upon payment of a
 3 fee of \$5 to the county treasurer, who shall forward the fee to the state, as provided in 15-1-504, for deposit in
 4 the state general fund."

5
 6 **Section 2.** Section 23-2-807, MCA, is amended to read:
 7 **"23-2-807. Penalty -- disposition.** (1) The failure to display a valid decal ~~indicating that the fee in lieu~~
 8 ~~of tax, registration fees, decal fees, and, when applicable, taxes on licensed vehicles have been paid~~ license plate
 9 or set of license plates, with proper registration decals, on the off-highway vehicle, as ~~provided~~ required in
 10 23-2-804, is a misdemeanor punishable by a fine of \$50.

11 (2) All fines collected under this section must be transmitted to the department of revenue for deposit
 12 in the state general fund."

13
 14 **Section 3.** Section 23-2-809, MCA, is amended to read:
 15 **"23-2-809. Duplicate Replacing license plates or decal.** If a license plate or decal required in under
 16 ~~23-2-804 indicating that the off-highway vehicle fee has been paid~~ is lost, mutilated, or becomes illegible, ~~the~~
 17 ~~person to whom it was issued shall immediately apply for and obtain a duplicate decal upon payment of a fee of~~
 18 ~~\$5 to the county treasurer, who shall forward the fee to the state, as provided in 15-1-504, for deposit in the state~~
 19 ~~general fund:~~ a set of replacement license plates, a replacement license plate, or a duplicate registration decal
 20 may be obtained under 61-3-333."

21
 22 **Section 4.** Section 61-1-101, MCA, is amended to read:
 23 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
 24 definitions apply:

25 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department
 26 and is specifically authorized by the department to electronically access and update the department's motor
 27 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or
 28 purposes upon behalf of a third party.

29 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited
 30 partnership, limited liability company, association, joint venture, state agency, local government unit, another state

1 government, the United States, a political subdivision of this or another state, or any other legal or commercial
2 entity.

3 (2) "Authorized agent agreement" means the written agreement executed between an authorized agent
4 and the department that sets the technical and operational program standards, compliance criteria, payment
5 options, and service expectations by which the authorized agent is required to operate in performing specific
6 motor vehicle or driver-related record functions.

7 (3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
8 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
9 transportation of persons for compensation.

10 (4) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited
11 liability company, or other legal entity recognized under state law.

12 (b) The term does not include an individual.

13 (5) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to
14 an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a
15 cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

16 (b) The term does not include a truck canopy cover or topper.

17 (6) "Certificate of title" means the paper record issued by the department or by the appropriate agency
18 of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons
19 and the motor vehicle specifically described in the record and that provides notice of a perfected security interest
20 in the motor vehicle.

21 (7) "Commercial driver's license" means:

22 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate
23 a class of commercial motor vehicle; and

24 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid
25 commercial driver's license.

26 (8) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
27 commerce to transport passengers or property if the vehicle:

28 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
29 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

30 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is

- 1 greater;
- 2 (iii) is designed to transport at least 16 passengers, including the driver;
- 3 (iv) is a school bus; or
- 4 (v) is of any size and is used in the transportation of hazardous materials as defined in 61-8-801.
- 5 (b) The following vehicles are not commercial motor vehicles:
- 6 (i) an authorized emergency service vehicle:
- 7 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and
- 8 (B) entitled to the exemptions granted under 61-8-107;
- 9 (ii) a vehicle:
- 10 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
- 11 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
- 12 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
- 13 of the farm, including any area within that perimeter that is in the adjoining state; and
- 14 (C) not used to transport goods for compensation or for hire; or
- 15 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
- 16 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
- 17 personnel in part-time national guard training, and national guard military technicians, or active duty United States
- 18 coast guard personnel.
- 19 (c) For purposes of this subsection (8):
- 20 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or
- 21 crops or the raising of livestock owned by or under the direct control of that person;
- 22 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight
- 23 of a combination or articulated vehicle;
- 24 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of
- 25 a single vehicle; and
- 26 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 27 (9) "Commission" means the state transportation commission.
- 28 (10) "Custom-built motorcycle" means a motorcycle that is equipped with:
- 29 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
- 30 altered from the manufacturer's original design;

1 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
2 constructed in whole or in part from nonoriginal materials.

3 (11) "Custom vehicle" means a motor vehicle other than a motorcycle that:

4 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

5 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
6 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
7 25 years old; and

8 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
9 materials.

10 (12) "Customer identification number" means:

11 (a) a driver's license or identification card number when the customer is an individual who has been
12 issued a driver's license or identification card by a state driver licensing authority;

13 (b) a federal employer or tax identification number when the customer is a business entity that has been
14 issued a federal employer or tax identification number;

15 (c) the identification number assigned by the secretary of state to a business entity authorized to do
16 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
17 or tax identification number other than a social security number; or

18 (d) if the customer has not been issued one of the numbers described in subsections (12)(a) through
19 (12)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

20 (13) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the
21 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
22 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
23 mobile equipment that is not registered in the name of the person.

24 (b) The term does not include the following:

25 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
26 under a judgment or order of any court of competent jurisdiction;

27 (ii) employees of the persons included in subsection (13)(b)(i) when engaged in the specific performance
28 of their duties as employees; or

29 (iii) public officers while performing or in the operation of their duties.

30 (14) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load

1 to be carried on the vehicle as stated by the registrant in the application for registration.

2 (15) "Department" means the department of justice acting directly or through its duly authorized officers
3 or agents.

4 (16) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer
5 tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

6 (17) "Domiciled" means a place where:

7 (a) an individual establishes residence;

8 (b) a business entity maintains its principal place of business;

9 (c) the business entity's registered agent maintains an address; or

10 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
11 or pole trailer that it owns or leases.

12 (18) "Driver" means a person who drives or is in actual physical control of a vehicle.

13 (19) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by
14 the laws of this state, including:

15 (a) any temporary license or instruction permit;

16 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

17 (c) any nonresident's driving privilege;

18 (d) a motorcycle endorsement; or

19 (e) a commercial driver's license.

20 (20) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is
21 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
22 maximum speed of the device to 12 1/2 miles an hour.

23 (21) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either
24 directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which
25 a remuneration is obtained or derived for transportation service.

26 (22) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the
27 vehicle.

28 (23) "Highway" or "public highway" means the entire width between the boundary lines of every publicly
29 maintained way when any part of the publicly maintained way is open to the use of the public for purposes of
30 vehicular travel.

1 (24) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
2 arrests for violations of traffic regulations.

3 (25) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively
4 used by the owner of the vehicle in the conduct of the owner's agricultural operations.

5 (26) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

6 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

7 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,
8 commonly referred to as a donor vehicle.

9 (27) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
10 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

11 (28) "Manufactured home" has the meaning provided in 15-24-201.

12 (29) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
13 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular
14 business.

15 (30) "Manufacturer's certificate of origin" means the original paper record produced and issued by the
16 manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
17 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
18 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
19 ownership of the vehicle to the person or persons named in the certificate.

20 (31) (a) "Medium-speed electric vehicle" is a motor vehicle, upon or by which a person may be
21 transported, that:

22 (i) has a maximum speed of 35 miles an hour as certified by the manufacturer;

23 (ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical
24 energy into the motion of the vehicle;

25 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
26 grid or from renewable electrical energy sources;

27 (iv) is fully enclosed and includes at least one door for entry;

28 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

29 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
30 identification number as provided in 49 CFR, part 565;

1 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
2 indicates the vehicle's maximum speed rating; and

3 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

4 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
5 registration under Title 61, chapter 3.

6 (32) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

7 (33) "Montana resident" means:

8 (a) an individual who resides in Montana as determined under 1-1-215;

9 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
10 registered agent in this state.

11 (34) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
12 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
13 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

14 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard
15 or any successor federal agency.

16 (35) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by
17 a court that are operating motor vehicles upon a public highway in this state for the transportation of property for
18 hire on a commercial basis.

19 (b) The term does not include motor carriers regulated under Title 69, chapter 12.

20 (36) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that
21 is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or
22 more attachments and a seat for the conveyance of a passenger.

23 (b) The term does not include a tractor, a bicycle as defined in 61-8-102, a motorized nonstandard
24 vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

25 (37) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces
26 5 horsepower or less.

27 (b) The term does not include a bicycle, as defined in 61-8-102, or a motorized nonstandard vehicle.

28 (38) "Motor home" means a motor vehicle:

29 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached to
30 a self-propelled motor vehicle chassis or van;

1 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2
2 standard; and

3 (c) providing at least four of the following types of facilities:

4 (i) cooking, refrigeration, or icebox;

5 (ii) self-contained toilet;

6 (iii) heating or air-conditioning, or both;

7 (iv) potable water supply, including a faucet and sink; or

8 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

9 (39) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
10 transported, that:

11 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

12 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

13 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
14 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

15 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a
16 "pocket rocket".

17 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
18 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
19 person.

20 (40) (a) "Motor vehicle" means:

21 (i) a vehicle propelled by its own power and designed or used to transport persons or property upon the
22 highways of the state; and

23 (ii) a quadricycle or other off-highway vehicle if it is equipped for use on the highways as prescribed in
24 chapter 9.

25 (b) The term does not include a bicycle as defined in 61-8-102, an electric personal assistive mobility
26 device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled
27 vehicle that is designed specifically for use by a physically disabled person and that is used as a means of
28 mobility for that person.

29 (41) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or
30 equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as

1 the result of a retail sale.

2 (42) "Nonresident" means a person who is not a Montana resident.

3 (43) (a) "Not used for general transportation purposes" means the operation of a motor vehicle, registered
4 as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle
5 club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation activity.

6 (b) The term does not include operation of a motor vehicle for routine or ordinary household
7 maintenance, employment, education, or other similar purposes.

8 (44) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
9 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
10 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land
11 transportation deriving motive power from any source other than muscle or wind.

12 (b) The term does not include:

13 (i) vehicles designed primarily for travel on, over, or in the water;

14 (ii) snowmobiles; or

15 (iii) motor vehicles designed to transport persons or property upon the highways unless the vehicle is
16 used for off-road recreation on public lands.

17 (45) "Operator" means a person who is in actual physical control of a motor vehicle.

18 (46) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
19 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
20 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
21 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
22 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
23 person in whom is vested the right of possession or control.

24 (47) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

25 (48) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering
26 a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,
27 standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

28 (49) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached
29 to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle
30 and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members

1 capable generally of sustaining themselves as beams between the supporting connections.

2 (50) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
3 violations of traffic regulations.

4 (51) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having
5 a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

6 (b) The term does not include golf carts.

7 (52) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon
8 stationary rails.

9 (53) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
10 coupled to the engine, that is operated upon rails.

11 (b) The term does not include streetcars.

12 (54) "Recreational vehicle" includes a motor home, travel trailer, or camper.

13 (55) "Registration" or "register" means the act or process of creating an electronic record, maintained by
14 the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration
15 decal for a specific vehicle, the ownership of which has been established or is presumed in department records.

16 (56) "Registration decal" means an adhesive sticker produced by the department and issued by the
17 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
18 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
19 registration period indicated on the sticker as recorded by the department under 61-3-101.

20 (57) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
21 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
22 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
23 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
24 vehicle for the registration period indicated in the receipt.

25 (58) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
26 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
27 other than resale.

28 (59) "Revocation" means the termination by action of the department of a person's driver's license,
29 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license
30 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or

1 exercised. An application for a new license may be presented and acted upon by the department after the
2 expiration of the period of the revocation.

3 (60) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
4 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
5 the term refers to any roadway separately but not to all roadways collectively.

6 (61) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

7 (b) The term does not include a canoe or kayak propelled by wind.

8 (62) "Sell" means to transfer ownership from one person to another person or from a dealer to another
9 person for consideration.

10 (63) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
11 carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that
12 of its load rests upon or is carried by another vehicle.

13 (64) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
14 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that
15 is not otherwise registered or licensed under the laws of the state of Montana.

16 (65) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
17 property on the highways but incidentally operated or moved over the highways, including road construction or
18 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
19 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
20 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

21 (66) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

22 (i) was not originally constructed under a distinctive make, model, or type by a generally recognized
23 manufacturer of motor vehicles;

24 (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from
25 a generally recognized manufacturer of motor vehicles;

26 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from
27 other vehicles;

28 (iv) has been constructed or assembled by using major component parts from one or more manufactured
29 vehicles and that cannot be identified as a specific make or model; or

30 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

1 (b) The term does not include a motor vehicle that has been repaired or restored to its original design
2 by replacing parts.

3 (67) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is
4 constructed on a truck chassis or that has special features for occasional off-road use.

5 (b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

6 (68) (a) "Stop", when required, means complete cessation from movement.

7 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,
8 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the
9 directions of a police officer, highway patrol officer, or traffic control sign or signal.

10 (69) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
11 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
12 space at the dealer's established place of business is not available.

13 (70) "Street" means the entire width between the boundary lines of every publicly maintained way when
14 any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

15 (71) "Street rod" means a motor vehicle, other than a motorcycle, that:

16 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,
17 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

18 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
19 materials.

20 (72) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
21 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's
22 license for a period of time designated by law.

23 (73) "Temporary registration permit" means a paper record:

24 (a) issued by the department, an authorized agent, a county treasurer, or a person, using a
25 department-approved electronic interface after an electronic record has been transmitted to the department, that
26 contains:

27 (i) required vehicle and owner information; and

28 (ii) the purpose for which the record was generated; and

29 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
30 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,

1 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record
2 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

3 (74) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances
4 either singly or together while using any highways for purposes of travel.

5 (75) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
6 carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon
7 the towing vehicle.

8 (b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

9 (76) "Transaction summary receipt" means an electronic record produced and issued by the department,
10 its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the
11 department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain
12 a unique transaction record number and summarize and verify the electronic filing of the transaction described
13 in the receipt on the electronic record of title maintained under 61-3-101.

14 (77) "Travel trailer" means a vehicle:

15 (a) that is 40 feet or less in length;

16 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

17 (c) with gross trailer area of less than 320 square feet; and

18 (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used
19 as a principal residence.

20 (78) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
21 transportation of property.

22 (79) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and
23 not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

24 (80) "Under the influence" has the meaning provided in 61-8-401.

25 (81) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, given
26 away, or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer,
27 wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is
28 commonly known as "secondhand" within the ordinary meaning of that term.

29 (82) "Van" means a motor vehicle designed for the transportation of at least six persons and not more
30 than nine persons and intended for but not limited to family or personal transportation without compensation.

1 (83) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported or
2 drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
3 or tracks.

4 (b) The term does not include a manually or mechanically propelled wheelchair or other low-powered,
5 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
6 used as a means of mobility for that person.

7 (84) "Vehicle identification number" means the number, letters, or combination of numbers and letters
8 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
9 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

10 (85) "Vessel" means every description of watercraft, unless otherwise defined by the department, other
11 than a seaplane on the water, used or capable of being used as a means of transportation on water.

12 (86) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of money
13 or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor
14 vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile
15 equipment only to dealers and auto auctions licensed under chapter 4, part 1."

16

17 **Section 5.** Section 61-3-301, MCA, is amended to read:

18 **"61-3-301. Registration -- license plate required -- display.** (1) (a) Except as provided in 61-4-120,
19 61-4-129, and subsection (1)(b) of this section, a person may not operate a motor vehicle, trailer, semitrailer, pole
20 trailer, or travel trailer upon the public highways of Montana unless the motor vehicle, trailer, semitrailer, pole
21 trailer, or travel trailer is properly registered and has the proper license plates conspicuously displayed on the
22 motor vehicle, trailer, semitrailer, pole trailer, or travel trailer. A license plate must be securely fastened to prevent
23 it from swinging and may not be obstructed from plain view.

24 (b) A motorcycle, ~~quadricycle~~, trailer, semitrailer, pole trailer, or travel trailer must have a single license
25 plate displayed on the rear of the vehicle. A custom vehicle or street rod registered under 61-3-320(1)(b) or
26 (1)(c)(iii) may display a single license plate firmly attached to the rear exterior of the custom vehicle or street rod.
27 All other motor vehicles, including quadricycles and other off-highway vehicles, must have one license plate
28 displayed on the front and one license plate displayed on the rear of the motor vehicle.

29 (c) A person may not display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer at the
30 same time a number assigned to it under any motor vehicle law except as provided in this chapter.

1 (2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, pole trailer, or travel
 2 trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the county
 3 where the vehicle is domiciled or the county where the trailer, semitrailer, pole trailer, or travel trailer is domiciled
 4 at the time of application for registration.

5 (3) It is unlawful to:

6 (a) display license plates issued to one motor vehicle, trailer, semitrailer, pole trailer, or travel trailer on
 7 any other motor vehicle, trailer, semitrailer, pole trailer, or travel trailer unless legally transferred as provided by
 8 statute;

9 (b) repaint old license plates to resemble current license plates; or

10 (c) display a prior design of standard license plates issued under 61-3-332(3)(a) or special license plates
 11 issued under 61-3-332(8) or 61-3-421 more than 18 months after a new design of standard license plates or
 12 special license plates has been issued, except as provided in 61-3-332(3)(b) and (3)(c), 61-3-448, or 61-3-468.

13 (4) For the purposes of this section, "conspicuously displayed" means that the required license plates
 14 are obviously visible and firmly attached to:

15 (a) the front bumper and the rear bumper of a motor vehicle equipped with front and rear bumpers,
 16 except for a custom vehicle or street rod as provided in subsection (1)(b); ~~or~~

17 (b) a clearly visible location on the rear of a trailer, semitrailer, pole trailer, or travel trailer; or

18 (c) a clearly visible location on the front and rear of a quadricycle or other off-highway vehicle, except
 19 a motorcycle."

20

21 **Section 6.** Section 61-3-303, MCA, is amended to read:

22 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana
 23 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways
 24 of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer
 25 in the county where the owner is domiciled.

26 (2) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

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

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

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

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

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

13 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
14 61-3-101;

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

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

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

18 and

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

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

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

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

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

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

27 (iv) a motorcycle, ~~or~~ quadricycle, or off-highway vehicle under 61-3-321;

28 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
29 61-3-321 and 61-3-529; or

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

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

4 (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
5 education on, support for, and awareness of traumatic brain injury.

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

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

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

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

23 (b) Whenever ownership of a travel trailer, motorcycle, quadricycle, off-highway vehicle, trailer,
24 semitrailer, or pole trailer is transferred, the new owner is required to register the travel trailer, motorcycle,
25 quadricycle, off-highway vehicle, trailer, semitrailer, or pole trailer as if it were being registered for the first time,
26 including paying all of the required fees in lieu of tax, taxes, and fees.

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

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Section 7. Section 61-3-313, MCA, is amended to read:

"61-3-313. Motor vehicles exempt from registration renewal. (1) The following motor vehicles are exempt from the registration renewal requirements of 61-3-312:

(a) motor vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

(b) motor vehicles registered as part of a fleet under 61-3-318; and

(c) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733.

(2) Unless a transfer of ownership occurs, a travel trailer, trailer, semitrailer, pole trailer, motorcycle, ~~or quadricycle, including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8,~~ or off-highway vehicle is permanently registered."

Section 8. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (19):

(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(a) if the vehicle is 4 or less years old, \$217;

(b) if the vehicle is 5 through 10 years old, \$87; and

(c) if the vehicle is 11 or more years old, \$28;

(3) Except as provided in subsection (14), the one-time registration fee based on the declared weight of a trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, \$61.25; or

(b) if the declared weight is 6,000 pounds or more, \$148.25.

(4) Except as provided in subsection (14), the one-time registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

(a) 2,850 pounds and over, \$10; and

1 (b) under 2,850 pounds, \$5.

2 (5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles, other
3 than a quadricycle or motorcycle, for off-road use only is \$61.25; and the one-time registration fee for off-highway
4 vehicles, other than a quadricycle or a motorcycle, for both off-road use and use on public highways is \$122.50.

5 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

6 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

7 (i) less than 2 years old, \$282.50;

8 (ii) 2 years old and less than 5 years old, \$224.25;

9 (iii) 5 years old and less than 8 years old, \$132.50; and

10 (iv) 8 years old and older, \$97.50.

11 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
12 under this section may permanently register the motor home upon payment of:

13 (i) a one-time registration fee of \$237.50; and

14 (ii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.

15 (8) (a) Except as provided in subsection (14), the one-time registration fee for motorcycles ~~and~~
16 ~~quadricycles~~ registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
17 ~~and quadricycles~~ registered for both off-road use and ~~for~~ use on the public highways is \$114.50.

18 (b) Except as provided in subsection (14), the one-time registration fee for quadricycles for use on public
19 highways is \$53.25, and the one-time registration fee for quadricycles registered for both off-road use and use
20 on public highways is \$114.50.

21 ~~(b)(c)~~ An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle
22 as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

23 (9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the
24 length of the travel trailer, is as follows:

25 (a) under 16 feet in length, \$72; and

26 (b) 16 feet in length or longer, \$152.

27 (10) Except as provided in subsection (14), the one-time registration fee for a motorboat, sailboat,
28 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

29 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
30 \$65.50;

1 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
2 length, \$125.50; and

3 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

4 (11) (a) Except as provided in subsections (11)(b) and (14), the one-time registration fee for a
5 snowmobile is \$60.50.

6 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
7 of daily rental to customers is assessed:

8 (A) a fee of \$40.50 in the first year of registration; and

9 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

10 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
11 registered and the business is assessed the registration fee imposed in subsection (11)(a).

12 (12) A fee of \$5 must be collected when a new set of standard license plates, a new single standard
13 license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$5 fee
14 imposed under this subsection does not apply when previously issued license plates are transferred under
15 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are
16 transferred is not currently registered.

17 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are
18 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
19 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
20 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),
21 (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

22 (14) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
23 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
24 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new
25 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under
26 this section.

27 (15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

28 (16) Except as otherwise provided in this section, revenue collected under this section must be deposited
29 in the state general fund.

30 (17) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the

1 enumerated vehicles or vessels that constitute inventory of the dealership.

2 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be
3 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted
4 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund
5 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,
6 the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and
7 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

8 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
9 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
10 not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not
11 be collected.

12 (19) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
13 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
14 collected and forwarded to the state for deposit in the account established in 44-1-504.

15 (20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
16 61-3-721."

17

18 **Section 9.** Section 61-3-332, MCA, is amended to read:

19 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,
20 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of
21 standard license plates must be issued for motor vehicles, quadricycles, travel trailers, trailers, semitrailers, and
22 pole trailers registered in this state or offered for sale by a vehicle dealer licensed in this state. Standard license
23 plates issued to licensed vehicle dealers must be readily distinguishable from license plates issued to vehicles
24 owned by other persons.

25 (2) (a) Except as provided in 61-3-479 and subsections (2)(b), (3)(b), and (3)(c) of this section, all
26 standard license plates for motor vehicles, trailers, semitrailers, or pole trailers must bear a distinctive marking,
27 as determined by the department, and be furnished by the department. In years when standard license plates
28 are not issued, the department shall provide a registration decal that must be affixed to the rear license plate of
29 the vehicle.

30 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles

1 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration
2 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear
3 license plate of the permanently registered motor vehicle.

4 (3) (a) Beginning January 1, 2010, and every 4 years after that date, the department shall manufacture
5 and issue new standard license plates to replace previously issued standard license plates upon renewal.

6 (b) A motor vehicle that is registered for a 13-month to a 24-month period, as provided in 61-3-311, may
7 display the license plate and plate design in effect at the time of registration for the entire registration period.

8 (c) A light vehicle described in subsection (2)(b), a quadricycle, an off-highway vehicle, or a motor home
9 that is permanently registered may display the license plate and plate design in effect at the time of registration
10 for the entire period that the light vehicle or motor home is permanently registered.

11 (4) For trailers, quadricycles, off-highway vehicles, and motor vehicles, other than motorcycles ~~and~~
12 ~~quadricycles~~, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license
13 plates, the outline of the state of Montana must be used as a distinctive border on all license plates, and the word
14 "Montana" must be placed on each license plate. All license plates must be treated with a reflectorized
15 background material according to specifications prescribed by the department.

16 (5) The distinctive registration numbers for standard license plates must begin with a number one or with
17 a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers.
18 Except for special license plates, collegiate license plates, generic specialty license plates, and fleet license
19 plates, the distinctive registration number or letter-number combination assigned to the motor vehicle must appear
20 on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal
21 baseline. The county number must be separated from the distinctive registration number by a separation mark
22 unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by
23 the department, and all county and registration numbers must be of equal height.

24 (6) For the use of exempt motor vehicles, trailers, semitrailers, quadricycles, off-highway vehicles, or pole
25 trailers and motor vehicles, trailers, semitrailers, or pole trailers that are exempt from the registration fee as
26 provided in 61-3-321, in addition to the markings provided in this section, standard license plates must bear the
27 following distinctive markings:

28 (a) For motor vehicles, trailers, semitrailers, quadricycles, off-highway vehicles, or pole trailers owned
29 by the state, the department may designate the prefix number for the various state departments. All numbered
30 plates issued to state departments must bear the words "State Owned", and a year number may not be indicated

1 on the plates because these numbered plates are of a permanent nature and will be replaced by the department
2 only when the physical condition of numbered plates requires it.

3 (b) For motor vehicles, trailers, semitrailers, quadricycles, off-highway vehicles, or pole trailers that are
4 owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of
5 Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty
6 and for motor vehicles on loan from the United States government or the state of Montana to, or owned by, the
7 civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the
8 standard license plates assigned, in a position that the department may designate, the letter "X" or the word
9 "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, trailers, semitrailers,
10 quadricycles, off-highway vehicles, or pole trailers of each of the counties in the state and those of the
11 municipalities and special districts that obtain plates within each county must begin with number one and be
12 numbered consecutively. Because these standard license plates are of a permanent nature, they are subject to
13 replacement by the department only when the physical condition of the license plates requires it and a year
14 number may not be displayed on the plates.

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

24 (8) (a) Each type of special license plate approved by the legislature, except collegiate license plates
25 authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be
26 a separate series of plates, numbered as provided in subsection (5), except that the county number must be
27 replaced by a design that distinguishes each separate plate series. Unless otherwise specifically stated in this
28 section, the special plates are subject to the same rules and laws as govern the issuance of standard license
29 plates, must be placed or mounted on a motor vehicle, trailer, semitrailer, quadricycle, off-highway vehicle, or pole
30 trailer owned by the person who is eligible to receive them, with the registration decal affixed to the rear license

1 plate of the motor vehicle, trailer, semitrailer, quadricycle, off-highway vehicle, or pole trailer, and must be
2 removed upon sale or other disposition of the motor vehicle, trailer, semitrailer, quadricycle, off-highway vehicle,
3 or pole trailer.

4 (b) Beginning January 1, 2008, and every succeeding 4 years, the department shall manufacture and
5 issue a new set of special license plates, bearing the same design and, if requested by the owner, the same plate
6 number to replace, upon renewal of the registration of a motor vehicle under 61-3-314 and payment of the new
7 plate fee provided for in 61-3-321, any special license plates issued prior to the prescribed date. This requirement
8 applies to collegiate license plates authorized under 61-3-461 through 61-3-468, generic specialty license plates
9 authorized under 61-3-472 through 61-3-481, and commemorative centennial license plates authorized under
10 61-3-448.

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

14 (b) If the motor vehicle to which the license plate is attached is permanently registered, the owner of the
15 motor vehicle shall provide, upon request of a person authorized to enforce special parking laws or ordinances
16 in this or any state, evidence of continued eligibility to use the license plate in the form of a valid special parking
17 permit issued to or renewed by the vehicle owner under 49-4-304 and 49-4-305.

18 (c) A person with a permanent condition, as provided in 49-4-301(2)(b), who has been issued a special
19 license plate upon written application, as provided in this subsection (9), is not required to reapply upon
20 reregistration of the motor vehicle.

21 (10) The provisions of this section do not apply to a motor vehicle, trailer, semitrailer, or pole trailer that
22 is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through
23 61-3-733."

24

25 **Section 10.** Section 61-3-333, MCA, is amended to read:

26 **"61-3-333. Replacing license plates or decals.** (1) Except as provided in subsection (2), if one or both
27 license plates registered to a motor vehicle, quadricycle, off-highway vehicle, travel trailer, trailer, semitrailer, or
28 pole trailer or the registration decal for the motor vehicle, quadricycle, off-highway vehicle, travel trailer, trailer,
29 semitrailer, or pole trailer is mutilated or destroyed, the owner of the registered motor vehicle or trailer may obtain
30 a set of replacement license plates, a replacement license plate, or a duplicate registration decal upon filing a

1 sworn declaration stating that fact and payment of a fee of \$5.

2 (2) If the owner requests that the replacement license plate or plates bear the same background and
3 license plate number as the plate or plates that were destroyed or mutilated, the duplicate license plate or plates
4 may be issued upon payment of a fee of \$5."

5

6 **Section 11.** Section 61-3-402, MCA, is amended to read:

7 **"61-3-402. Personalized license plates authorized.** A person who is the registered owner of a motor
8 vehicle, truck, motor home, trailer, motorcycle, quadricycle, off-highway vehicle, or other vehicle for the owner's
9 personal use may upon payment of the fee prescribed in 61-3-406 apply to the department for personalized
10 license plates in the manner prescribed in 61-3-405. The plates must be affixed to the vehicle for which
11 registration is sought in lieu of the license plates numbered as provided in 61-3-332."

12

13 **Section 12.** Section 61-3-415, MCA, is amended to read:

14 **"61-3-415. Special motorcycle license plates -- department to design -- fees -- distribution.** (1) A
15 Montana resident who is the owner of a motorcycle ~~or quadricycle~~ titled and registered under this chapter and
16 who pays the fee required under subsection (2) may be issued a special motorcycle license plate bearing a
17 design created by the department. The design must recognize the efforts of one or more Montana-based nonprofit
18 organizations that grant wishes to chronically or critically ill Montana children.

19 (2) A person requesting a special motorcycle license plate under this section shall pay to the county
20 treasurer:

21 (a) an administrative fee of \$5 upon issuance of the special license plate, to be deposited in the county
22 general fund;

23 (b) a \$5 license plate fee; and

24 (c) a donation fee of \$20.

25 (3) The county treasurer shall remit the fees required in subsections (2)(b) and (2)(c) to the department.
26 For each special plate issued, the department shall deposit \$5 in the state general fund and \$20 in an account
27 in the state special revenue fund to be used by the department as provided in subsection (4).

28 (4) The department shall use the money deposited in the account in the state special revenue fund as
29 provided in subsection (3) to provide grants, using criteria established by the department, to Montana-based
30 nonprofit organizations that grant wishes to Montana children who are chronically or critically ill.

1 (5) The department shall adopt rules to identify the entity or entities that may qualify for grants under this
2 section and to establish the criteria that an entity must meet to receive grant funds.

3 (6) The account in the state special revenue fund provided for in subsection (3) is statutorily appropriated
4 to the department, as provided in 17-7-502."
5

6 **Section 13.** Section 61-3-458, MCA, is amended to read:

7 **"61-3-458. Special plates for military personnel, veterans, and spouses.** (1) (a) Active military
8 personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried, may be
9 issued special military or veteran license plates as provided in this section.

10 (b) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special
11 license plates issued pursuant to this section must be numbered in sets of two with a different number on each
12 set and must be properly displayed as provided in 61-3-301. Special military or veteran license plates may not
13 be issued for a motorcycle, ~~quadricycle~~, semitrailer, or pole trailer. Special military or veteran license plates
14 bearing a wheelchair as the symbol of a person with a disability may be issued to a person who meets the
15 qualifications under 61-3-332(9) and this section.

16 (2) (a) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer
17 registration fees and special license plate fees and providing an official certificate from the applicant's unit
18 commander verifying the individual's eligibility and authorizing the department to issue the plates to the individual,
19 eligible military personnel may be issued one set of special military license plates as provided in this subsection
20 (2).

21 (b) A member of the Montana national guard who is a state resident may be issued special license plates
22 with a design or decal displaying the letters "NG". However, the member shall surrender the plates to the
23 department when the member becomes ineligible.

24 (c) A member of the reserve armed forces of the United States who is a state resident may be issued
25 special license plates according to the member's branch of service verified in the application with a design or
26 decal displaying one of the following: United States army reserve, AR (symbol); United States naval reserve, NR
27 (anchor); United States air force reserve, AFR (symbol); or United States marine corps reserve, MCR (globe and
28 anchor). However, the member shall surrender the plates to the department when the member becomes
29 ineligible.

30 (d) An active member of the regular armed forces of the United States who is a state resident may be

1 issued special license plates inscribed with a symbol signifying the United States army, United States navy,
2 United States air force, United States marine corps, or United States coast guard, according to the member's
3 branch of service verified in the application. However, the member shall surrender the plates to the department
4 upon becoming ineligible.

5 (3) (a) Upon application, after presenting proper identification and a department of defense form 214
6 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying
7 the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable motor
8 vehicle, quadricycle, off-highway vehicle, trailer, semitrailer, or pole trailer registration fees under this chapter,
9 subject to the provisions of 61-3-460, an eligible veteran must be issued any set and more than one set of the
10 special license plates provided for in this subsection (3) that the member requests and is eligible to receive.

11 (b) A veteran may be issued special license plates displaying the letters "DV", which entitles the veteran
12 to the parking privileges allowed to a person with a special parking permit issued under Title 49, chapter 4, part
13 3, if the veteran:

14 (i) has been awarded the purple heart and has been rated by the U.S. department of veterans affairs as
15 50% or more disabled because of a service-connected injury; or

16 (ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of
17 veterans affairs for a service-connected disability.

18 (c) A veteran who has been awarded the purple heart may be issued special license plates with the
19 purple heart decal displaying the words "combat wounded".

20 (d) A veteran who was captured and held prisoner by the military force of a foreign nation may be issued
21 special license plates with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the
22 department considers appropriate.

23 (e) If the veteran was a member of the United States armed forces on December 7, 1941, and during
24 the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) was on station at Pearl Harbor on the island of Oahu or was
25 offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license
26 plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

27 (f) A person who is a member of the legion of valor may be issued special plates displaying a design or
28 decal depicting the recognized legion of valor medallion.

29 (g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol
30 signifying the United States army, United States navy, United States air force, United States marine corps, or

1 United States coast guard, according to the veteran's service record verified in the application.

2 (h) A member or a former member of the Montana national guard eligible to receive a military retirement
3 may be issued special license plates displaying the Montana national guard insignia and the words "National
4 Guard veteran".

5 (i) A veteran who qualifies under subsections (3)(b) and (3)(c) may be issued special combination license
6 plates displaying the letters "DV" and displaying a purple heart decal with the words "combat wounded". A person
7 who receives the combination plates is entitled to the same parking privileges as provided in subsection (3)(b).

8 (4) Upon request, after paying the veterans' cemetery fee provided in 61-3-459 and all applicable vehicle
9 registration fees under this chapter, subject to the provisions of 61-3-460, the surviving spouse of an eligible
10 veteran, if the spouse has not remarried, may retain the special license plates issued to the deceased veteran,
11 except the special "DV" plates provided for under subsection (3)(b) or the combination plates provided for in
12 subsection (3)(i).

13 (5) The following series of license plates may not be used for purposes of permanent registration of a
14 quadricycle or off-highway vehicle:

15 (a) Montana national guard license plates issued under subsection (2)(b);

16 (b) reserve armed forces license plates issued under subsection (2)(c); and

17 (c) amateur radio operator license plates issued under 61-3-422.

18 ~~(5)(6)~~ For purposes of this section, "veteran" has the meaning provided in 10-2-101."

19

20 **Section 14.** Section 61-3-463, MCA, is amended to read:

21 **"61-3-463. Collegiate license plates.** (1) Subject to the provisions of 61-3-332(8) and the requirement
22 that collegiate license plates must have a white reflectorized background, the department shall design, cause to
23 be manufactured, and issue collegiate license plates as provided in 61-3-464 through 61-3-466.

24 (2) After consultation with each institution, the department shall prescribe the color and insignia to be
25 displayed on the collegiate license plates for each institution.

26 (3) In addition to each institution's distinctive color and insignia provided in subsection (2), each
27 collegiate license plate must:

28 (a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A through
29 Z, or a combination of numerals and letters; and

30 (b) bear a registration decal as provided in 61-3-332.

1 (4) The department shall determine the minimum and maximum number of characters, including both
2 numerals and letters, on the collegiate license plates.

3 (5) An issue of collegiate license plates may not be ordered or manufactured for any individual institution
4 unless at least 400 sets of plates are ordered and prepaid.

5 (6) Collegiate license plates may not be issued for a quadricycle or off-highway vehicle."

6

7 **Section 15.** Section 61-3-479, MCA, is amended to read:

8 **"61-3-479. Issuance of generic specialty license plates -- qualifications.** (1) (a) Except as provided
9 in subsection (1)(b), the department shall issue a set of generic specialty license plates to a person who applies
10 for a particular style of generic specialty license plates and pays the donation fee established by the plate sponsor
11 and the administrative fee required in 61-3-480.

12 (b) If the sponsor of a generic specialty license plate is not listed on the county collection report published
13 by the state and required under 15-1-504 as of the initial distribution date for the sale of the sponsor's plates, the
14 department shall require the sponsor to collect the initial donation fee from, and issue a special certificate of
15 registration to, a person who is eligible to receive the sponsor's generic specialty license plates. The person shall
16 present the special certificate of registration upon application for the generic specialty license plates.

17 (2) A set of generic specialty license plates may be issued for any motor vehicle except a motorcycle
18 ~~or a quadricycle.~~

19 (3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives generic
20 specialty license plates is subject to the same rules and laws as those that govern standard license plates.

21 (b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to the
22 same rules and laws that govern the issuance of standard license plates.

23 (c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any
24 maximum issuance or use limitation that may be imposed on standard license plates.

25 (4) A person may combine an application for a generic specialty license plate with an application for a
26 license plate with a design bearing a representation of a wheelchair as the symbol of a person with a disability
27 as provided in 61-3-332(9)."

28

29 **Section 16.** Section 61-3-481, MCA, is amended to read:

30 **"61-3-481. Generic specialty license plates -- restrictions on use.** (1) Generic specialty license plates

1 may be issued by the department in conjunction with the registration of any motor vehicle except a motorcycle
2 ~~or a quadricycle~~. The department may not issue generic specialty license plates without the motor vehicle having
3 been registered.

4 (2) Generic specialty license plates may be used only as the official license plates for a motor vehicle."
5

6 **Section 17.** Section 61-3-509, MCA, is amended to read:

7 "**61-3-509. Disposition of fees.** All registration fees imposed by 61-3-321 on light vehicles, motor
8 homes, motorcycles, quadricycles, off-highway vehicles, buses, motor vehicles having a manufacturer's rated
9 capacity of more than 1 ton, and truck tractors for which a license is sought and an original application for title
10 that includes a manufacturer's statement of origin is made must be remitted to the state as provided in 15-1-504
11 every 30 days. The payments must be deposited in the state general fund."

12

13 NEW SECTION. **Section 18. Effective date.** [This act] is effective January 1, 2010.

14

- END -