

1 HOUSE BILL NO. 414

2 INTRODUCED BY B. HOVEN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A NONRESIDENT WHO HAS A PLACE OF ABODE IN
5 MONTANA TO REGISTER A MOTOR VEHICLE IN MONTANA; AND AMENDING SECTIONS 61-3-201 AND
6 61-3-303, MCA."

7

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

9

10 **Section 1.** Section 61-3-201, MCA, is amended to read:

11 **"61-3-201. Certificate of title required -- exclusions.** (1) Except as provided in subsection (2), the
12 owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
13 snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record
14 of title has not been created by the department shall apply to the department, its authorized agent, or a county
15 treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
16 watercraft, sailboat, or snowmobile.

17 (2) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal
18 watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

19 (a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
20 snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper,
21 motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

22 (b) except as required in 61-4-111, a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
23 personal watercraft, sailboat, or snowmobile that is:

24 (i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

25 (ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or
26 demonstration, or used solely by a manufacturer for testing;

27 (c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
28 snowmobile owned by a nonresident ~~of this state~~ or a nonresident who has a place of abode in Montana who
29 chooses not to register a motor vehicle in this state as provided in 61-3-303;

30 (d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or

- 1 snowmobile regularly engaged in the interstate transportation of persons or property and:
- 2 (i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or
- 3 (ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;
- 4 (e) a vehicle moved solely by human or animal power;
- 5 (f) an implement of husbandry;
- 6 (g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to
- 7 agricultural land;
- 8 (h) a self-propelled wheelchair or tricycle used by a person with a disability;
- 9 (i) a dolly or converter gear;
- 10 (j) a mobile home or housetrailer;
- 11 (k) a manufactured home declared to be an improvement to real property under 15-1-116; or
- 12 (l) a golf cart unless it is operated by a person with a low-speed restricted driver's license."
- 13

14 **Section 2.** Section 61-3-303, MCA, is amended to read:

15 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana

16 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways

17 of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer

18 in the county where the owner is domiciled. A nonresident who has a place of abode in Montana may register

19 a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state.

20 (2) Except as provided in subsections (3) and (11), the county treasurer shall register any vehicle for

21 which:

22 (a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner

23 delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

24 (b) the county treasurer confirms that the department has an electronic record of title for the motor

25 vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

26 (3) (a) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which a

27 certificate of title and registration were issued in another jurisdiction and for which registration is required under

28 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and

29 receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer,

30 semitrailer, or pole trailer owner to provide additional information, prescribed by the department, to ensure that

1 the electronic record of registration maintained by the department is complete.

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

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

8 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
9 61-3-101;

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

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

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

13 and

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

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

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

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

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

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

22 (iv) a motorcycle or quadricycle under 61-3-321;

23 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
24 61-3-321 and 61-3-529; or

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

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

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

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

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

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

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

18 (b) Whenever ownership of a travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is
19 transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, trailer, semitrailer,
20 or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax,
21 taxes, and fees.

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

26 (11) Beginning January 1, 2013, the county treasurer shall use the online motor vehicle liability insurance
27 verification system provided in 61-6-157 to verify that the vehicle owner has complied with the requirements of
28 61-6-301."

29 - END -