

HOUSE BILL NO. 573

INTRODUCED BY HAGAN, FITZPATRICK, LAVIN, D. MOORE, ROSENDALE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; ALLOWING FOR

5 HIGHWAY USE OF UTILITY VEHICLES; PERMITTING TEMPORARY REGISTRATION FOR HIGHWAY USE

6 OF CERTAIN QUADRICYCLES AND UTILITY VEHICLES OWNED BY NONRESIDENTS; REQUIRING TITLING

7 OF MOTORCYCLES, QUADRICYCLES, AND UTILITY VEHICLES OPERATED ON PRIVATE PROPERTY;

8 ALLOWING SPECIAL MILITARY OR VETERAN LICENSE PLATES TO BE USED FOR QUADRICYCLES

9 REGISTERED FOR HIGHWAY USE; AMENDING SECTIONS 23-2-801, 23-2-804, 61-1-101, 61-3-103,

10 61-3-201, 61-3-202, 61-3-205, 61-3-208, 61-3-216, 61-3-217, 61-3-218, 61-3-219, 61-3-220, 61-3-221, 61-3-222,

11 61-3-224, 61-3-301, 61-3-303, 61-3-313, 61-3-321, 61-3-332, 61-3-333, 61-3-458, 61-3-509, 61-4-101, 61-4-108,

12 61-4-131, 61-6-303, 61-8-359, 61-9-203, 61-9-206, 61-9-220, 61-9-303, 61-9-304, 61-9-312, 61-9-417, 61-9-418,

13 61-9-421, 61-9-435, AND 61-13-103, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

14

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

16

Section 1. Section 23-2-801, MCA, is amended to read:

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18 **"23-2-801. Definition.** (1) As used in this part, "off-highway vehicle" means a self-propelled vehicle ~~used~~

19 designed for off-road or all-terrain recreation or cross-country travel ~~on public lands, trails, easements, lakes,~~

20 ~~rivers, or streams.~~ The term includes but is not limited to motorcycles, quadricycles, utility vehicles, dune buggies,

21 amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from

22 any source other than muscle or wind.

(2) Off-highway vehicle does not include:

- 23
- 24 ~~—(a) vehicles designed primarily for travel on, over, or in the water;~~
- 25 ~~—(b) or snowmobiles; or~~
- 26 ~~—(c) except as provided in 23-2-804, vehicles otherwise issued a certificate of title and registered under~~
- 27 ~~the laws of the state, unless the vehicle is used for off-road recreation on public lands."~~

Section 2. Section 23-2-804, MCA, is amended to read:

"23-2-804. Decal required. (1) Except as provided in 23-2-802, a person may not operate an



1 off-highway vehicle ~~may not be operated by a person for off-road recreation on public lands in Montana unless~~
 2 ~~there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued~~
 3 ~~by the county treasurer, is conspicuously displayed on the vehicle as visual proof that the following fees have~~
 4 ~~been paid:~~

5 ~~—— (a) the registration fee provided for in the vehicle has been registered for off-road use under 61-3-321(5);~~
 6 ~~or (8).~~

7 ~~(b) when the vehicle will be used as provided in this section, the registration and taxation fees for~~
 8 ~~motorcycles and quadricycles subject to licensure under 61-3-321(8), as evidenced by presentation of an owner's~~
 9 ~~certificate of registration and payment receipt. The county treasurer may confirm the registration status of a~~
 10 ~~motorcycle or quadricycle by examining the current registration receipt for the vehicle or checking the electronic~~
 11 ~~record of title for the vehicle.~~

12 (2) The decal must be serially numbered."
 13

14 **Section 3.** Section 61-1-101, MCA, is amended to read:

15 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
 16 definitions apply:

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

21 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited
 22 partnership, limited liability company, association, joint venture, state agency, local government unit, another state
 23 government, the United States, a political subdivision of this or another state, or any other legal or commercial
 24 entity.

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

29 (3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
 30 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the

1 transportation of persons for compensation.

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

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

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

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

9 (6) "CDLIS driver record" means the electronic record of a person's commercial driver's license status
10 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

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

15 (8) "Commercial driver's license" means:

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

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

20 (9) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
21 commerce to transport passengers or property if the vehicle:

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

24 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
25 greater;

26 (iii) is designed to transport at least 16 passengers, including the driver;

27 (iv) is a school bus; or

28 (v) is of any size and is used in the transportation of hazardous materials.

29 (b) The following vehicles are not commercial motor vehicles:

30 (i) an authorized emergency service vehicle:

- 1 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and
- 2 (B) entitled to the exemptions granted under 61-8-107;
- 3 (ii) a vehicle:
- 4 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
- 5 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
- 6 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
- 7 of the farm, including any area within that perimeter that is in the adjoining state; and
- 8 (C) not used to transport goods for compensation or for hire; or
- 9 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
- 10 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
- 11 personnel in part-time national guard training, and national guard military technicians, or active duty United States
- 12 coast guard personnel.
- 13 (c) For purposes of this subsection (9):
- 14 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or
- 15 crops or the raising of livestock owned by or under the direct control of that person;
- 16 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight
- 17 of a combination or articulated vehicle;
- 18 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of
- 19 a single vehicle; and
- 20 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 21 (10) "Commission" means the state transportation commission.
- 22 (11) "Custom-built motorcycle" means a motorcycle that is equipped with:
- 23 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
- 24 altered from the manufacturer's original design;
- 25 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
- 26 constructed in whole or in part from nonoriginal materials.
- 27 (12) "Custom vehicle" means a motor vehicle other than a motorcycle that:
- 28 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or
- 29 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
- 30 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least

1 25 years old; and

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

4 (13) "Customer identification number" means:

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

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

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

12 (d) if the customer has not been issued one of the numbers described in subsections (13)(a) through
13 (13)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

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

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

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

21 (ii) employees of the persons included in subsection (14)(b)(i) when engaged in the specific performance
22 of their duties as employees; or

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

24 (15) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load
25 to be carried on the vehicle as stated by the registrant in the application for registration.

26 (16) "Department" means the department of justice acting directly or through its duly authorized officers
27 or agents.

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

30 (18) "Domiciled" means a place where:

- 1 (a) an individual establishes residence;
- 2 (b) a business entity maintains its principal place of business;
- 3 (c) the business entity's registered agent maintains an address; or
- 4 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
- 5 or pole trailer that it owns or leases.

6 (19) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as

7 maintained by the department on the individual Montana driving record and the CDLIS driver record for that

8 person.

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

10 (21) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by

11 the laws of this state, including:

- 12 (a) any temporary license or instruction permit;
- 13 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;
- 14 (c) any nonresident's driving privilege;
- 15 (d) a motorcycle endorsement; or
- 16 (e) a commercial driver's license.

17 (22) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is

18 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the

19 maximum speed of the device to 12 1/2 miles an hour.

20 (23) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either

21 directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which

22 a remuneration is obtained or derived for transportation service.

23 (24) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or

24 persons and golf equipment and that has an average speed of less than 15 miles per hour.

25 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability

26 insurance requirements under this title.

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

28 vehicle.

29 (26) "Hazardous material" means:

- 30 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be

1 placarded under 49 CFR, part 172; or

2 (b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

3 (27) "Highway" or "public highway" means the entire width between the boundary lines of every publicly
4 maintained way when any part of the publicly maintained way is open to the use of the public for purposes of
5 vehicular travel.

6 (28) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
7 arrests for violations of traffic regulations.

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

10 (30) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

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

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

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

16 (32) "Low-speed electric vehicle" means a motor vehicle, upon or by which a person may be transported,
17 that:

18 (a) has four wheels;

19 (b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as certified
20 by the manufacturer;

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

23 (d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
24 grid or from renewable electrical energy sources;

25 (e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

26 (f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
27 identification number as provided in 49 CFR, part 565; and

28 (g) is equipped as provided in 61-9-432.

29 (33) "Low-speed restricted driver's license" means a license or permit limited to the operation of a
30 low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

- 1 (a) a temporary license or instruction permit;
- 2 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of
3 61-5-122, whether or not the person holds a valid driver's license; and
- 4 (c) a nonresident's similarly restricted driving privilege.
- 5 (34) "Manufactured home" has the meaning provided in 15-24-201.
- 6 (35) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
7 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular
8 business.
- 9 (36) "Manufacturer's certificate of origin" means the original paper record produced and issued by the
10 manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
11 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
12 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
13 ownership of the vehicle to the person or persons named in the certificate.
- 14 (37) (a) "Medium-speed electric vehicle" is a motor vehicle, upon or by which a person may be
15 transported, that:
- 16 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;
- 17 (ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical
18 energy into the motion of the vehicle;
- 19 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
20 grid or from renewable electrical energy sources;
- 21 (iv) is fully enclosed and includes at least one door for entry;
- 22 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;
- 23 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
24 identification number as provided in 49 CFR, part 565;
- 25 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
26 indicates the vehicle's maximum speed rating; and
- 27 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.
- 28 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
29 registration under Title 61, chapter 3.
- 30 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

1 (38) (a) "Minitruck" means either a foreign-manufactured used vehicle imported for off-road use or a
2 domestically manufactured vehicle that:

3 (i) is powered by an internal combustion engine with a piston or rotor displacement of 1,000 cubic
4 centimeters or less;

5 (ii) is less than 67 inches in width;

6 (iii) has a weight of 4,200 pounds or less;

7 (iv) travels on four or more tires;

8 (v) has a top speed of 55 miles per hour;

9 (vi) has an enclosed passenger cab;

10 (vii) is equipped with headlights, taillights, turn signals, windshield wipers, a rearview mirror, and a
11 seatbelt assembly;

12 (viii) has a four-speed, five-speed, or automatic transmission; and

13 (ix) is equipped with a bed or compartment for hauling.

14 (b) If titled and registered for highway use, a minitruck is treated as a light vehicle.

15 ~~(38)~~(39) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

16 ~~(39)~~(40) "Montana resident" means:

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

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

20 ~~(40)~~(41) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
21 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
22 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

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

25 ~~(41)~~(42) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed
26 by a court that are operating motor vehicles upon a public highway in this state for the transportation of property
27 for hire on a commercial basis.

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

29 ~~(42)~~(43) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and
30 that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one

1 or more attachments and a seat for the conveyance of a passenger.

2 (b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

3 (c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been
4 modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

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

7 ~~(43)(44)~~ (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
8 produces 5 horsepower or less.

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

10 ~~(44)(45)~~ "Motor home" means a motor vehicle:

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

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

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

16 (i) cooking, refrigeration, or icebox;

17 (ii) self-contained toilet;

18 (iii) heating or air conditioning, or both;

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

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

21 ~~(45)(46)~~ (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
22 transported, that:

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

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

25 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
26 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

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

1 person.

2 ~~(46)(47)~~ (a) "Motor vehicle" means:

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

5 ~~—— (ii) a quadricycle and, if it is registered and~~ equipped for use on the highways as prescribed in chapter
6 9 ~~and not otherwise prescribed, includes a minitruck, a motorcycle designed for off-road use, a quadricycle, or~~
7 ~~a utility vehicle~~; and

8 ~~(iii)~~(ii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated
9 pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

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

14 ~~(47)(48)~~ "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
15 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
16 as the result of a retail sale.

17 ~~(48)(49)~~ "Nonresident" means a person who is not a Montana resident.

18 ~~(49)(50)~~ (a) "Not used for general transportation purposes" means the operation of a motor vehicle,
19 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
20 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or other occasional transportation
21 activity.

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

24 ~~(50)(51)~~ (a) "Off-highway vehicle" means a self-propelled vehicle designed for off-road or all-terrain
25 recreation or cross-country travel ~~on public lands, trails, easements, lakes, rivers, or streams~~. The term includes
26 but is not limited to motorcycles, quadricycles, utility vehicles, dune buggies, amphibious vehicles, air cushion
27 vehicles, and any other means of land transportation deriving motive power from any source other than muscle
28 or wind.

29 (b) The term does not include:

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

1 ~~_____ (ii) or snowmobiles; or~~

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

4 ~~(54)(52)~~ "Operator" means a person who is in actual physical control of a motor vehicle.

5 ~~(52)(53)~~ "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
6 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
7 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
8 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
9 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
10 person in whom is vested the right of possession or control.

11 ~~(53)(54)~~ "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

12 ~~(54)(55)~~ "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
13 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
14 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
15 vessel.

16 ~~(55)(56)~~ "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
17 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
18 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
19 structural members capable generally of sustaining themselves as beams between the supporting connections.

20 ~~(56)(57)~~ "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
21 violations of traffic regulations.

22 ~~(57)(58)~~ (a) "Quadricycle" means a four-wheeled ~~motor~~ self-propelled vehicle, designed for ~~on-road or~~
23 ~~off-road or all-terrain use; having that:~~

24 (i) has handlebar steering;

25 (ii) has a seat or saddle upon which the operator sits and a motor capable of producing not more than
26 50 horsepower that is straddled by the operator;

27 (iii) has a wheelbase of 61 inches or less;

28 (iv) is 50 inches or less in width; and

29 (v) weighs less than 900 pounds.

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

1 ~~(58)~~(59) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated
2 upon stationary rails.

3 ~~(59)~~(60) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
4 coupled to the engine, that is operated upon rails.

5 (b) The term does not include streetcars.

6 ~~(60)~~(61) "Recreational vehicle" includes a motor home, travel trailer, or camper.

7 ~~(61)~~(62) "Registration" or "register" means the act or process of creating an electronic record, maintained
8 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a
9 registration decal for a specific vehicle, the ownership of which has been established or is presumed in
10 department records.

11 ~~(62)~~(63) "Registration decal" means an adhesive sticker produced by the department and issued by the
12 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
13 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
14 registration period indicated on the sticker as recorded by the department under 61-3-101.

15 ~~(63)~~(64) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
16 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer
17 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title
18 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the
19 vehicle for the registration period indicated in the receipt.

20 ~~(64)~~(65) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
21 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
22 other than resale.

23 ~~(65)~~(66) "Revocation" means the termination by action of the department of a person's driver's license,
24 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license
25 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or
26 exercised. An application for a new license may be presented and acted upon by the department after the
27 expiration of the period of the revocation.

28 ~~(66)~~(67) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
29 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
30 the term refers to any roadway separately but not to all roadways collectively.

1 ~~(67)~~(68) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

3 ~~(68)~~(69) "School zone" means an area near a school beginning at the school's front door, encompassing
4 the campus and school property, and including the streets directly adjacent to the school property and for as
5 many blocks surrounding the school as determined by the local authority establishing a special speed limit under
6 61-8-310(1)(d).

7 ~~(69)~~(70) "Sell" means to transfer ownership from one person to another person or from a dealer to
8 another person for consideration.

9 ~~(70)~~(71) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
10 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
11 that of its load rests upon or is carried by another vehicle.

12 ~~(71)~~(72) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
13 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that
14 is not otherwise registered or licensed under the laws of the state of Montana.

15 ~~(72)~~(73) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
16 property on the highways but incidentally operated or moved over the highways, including road construction or
17 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
18 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
19 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

20 ~~(73)~~(74) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

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

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

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

30 (b) The term does not include a motor vehicle that has been repaired or restored to its original design

1 by replacing parts.

2 ~~(74)~~(75) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that
3 is constructed on a truck chassis or that has special features for occasional off-road use.

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

5 ~~(75)~~(76) (a) "Stop", when required, means complete cessation from movement.

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

9 ~~(76)~~(77) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
10 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
11 space at the dealer's established place of business is not available.

12 ~~(77)~~(78) "Street" means the entire width between the boundary lines of every publicly maintained way
13 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

14 ~~(78)~~(79) "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

19 ~~(79)~~(80) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
20 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's
21 license for a period of time designated by law.

22 ~~(80)~~(81) "Temporary registration permit" means a paper record:

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

26 (i) required vehicle and owner information; and

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

28 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
29 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
30 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record

1 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

2 ~~(81)~~(82) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
3 conveyances either singly or together while using any highways for purposes of travel.

4 ~~(82)~~(83) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
5 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
6 upon the towing vehicle.

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

8 ~~(83)~~(84) "Transaction summary receipt" means an electronic record produced and issued by the
9 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
10 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
11 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
12 described in the receipt on the electronic record of title maintained under 61-3-101.

13 ~~(84)~~(85) "Travel trailer" means a vehicle:

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

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

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

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

19 ~~(85)~~(86) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
20 transportation of property.

21 ~~(86)~~(87) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
22 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

23 ~~(87)~~(88) "Under the influence" has the meaning provided in 61-8-401.

24 ~~(88)~~(89) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
25 given away, or had its title transferred from the person who first took title to it from the manufacturer, importer,
26 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what
27 is commonly known as "secondhand" within the ordinary meaning of that term.

28 (90) "Utility vehicle" means a self-propelled vehicle designed primarily for off-road use that:

29 (a) travels on four or more tires;

30 (b) has a steering wheel;

1 (c) has a bench seat or side-by-side seats upon which the operator and at least one passenger may sit;

2 (d) has a wheelbase of 61 inches or greater and not more than 110 inches;

3 (e) has a width of 50 inches or greater and not more than 74 inches; and

4 (f) weighs 900 pounds or greater and not more than 2,000 pounds.

5 ~~(89)(91)~~ "Van" means a motor vehicle designed for the transportation of at least six persons and not more
6 than nine persons and intended for but not limited to family or personal transportation without compensation.

7 ~~(90)(92)~~ (a) "Vehicle" means a device in, upon, or by which any person or property may be transported
8 or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
9 or tracks.

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

13 ~~(91)(93)~~ "Vehicle identification number" means the number, letters, or combination of numbers and letters
14 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
15 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

16 ~~(92)(94)~~ "Vessel" means every description of watercraft, unless otherwise defined by the department,
17 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

18 ~~(93)(95)~~ "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
19 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
20 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or
21 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

22

23 **Section 4.** Section 61-3-103, MCA, is amended to read:

24 **"61-3-103. Filing of security interests -- perfection -- rights -- procedure -- fees.** (1) (a) Except as
25 provided in subsection (2), the department, its authorized agent, or a county treasurer shall, upon payment of the
26 fee required by subsection (8), enter a voluntary security interest or lien against the electronic record of title for
27 a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer,
28 camper, motorboat, personal watercraft, sailboat, or snowmobile upon receipt of a written acknowledgment of
29 a voluntary security interest or lien by the owner of a motor vehicle, motorcycle, quadricycle, off-highway vehicle,
30 utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile on

1 a form prescribed by the department.

2 (b) After the voluntary security interest or lien has been entered on the electronic record of title for the
3 motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
4 motorboat, personal watercraft, sailboat, or snowmobile, the department, its authorized agent, or a county
5 treasurer shall issue a transaction summary receipt to the owner and, if requested, to the secured party or
6 lienholder, showing the date that the security interest or lien was perfected.

7 (c) A voluntary security interest or lien is perfected on the date that the department, its authorized agent,
8 or a county treasurer receives the written acknowledgment of the voluntary security interest or lien from the owner
9 of the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer,
10 camper, motorboat, personal watercraft, sailboat, or snowmobile.

11 (d) Except as provided in subsection (3), when a person applying for a certificate of title requests
12 issuance of a certificate of title under 61-3-201, the department shall record the voluntary security interest or lien
13 on the face of a certificate of title.

14 (2) A security interest in a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle,
15 trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile held as inventory
16 by a dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or chapter 4 of this title must be perfected in
17 accordance with Title 30, chapter 9A.

18 (3) Whenever a security interest or lien is filed against the electronic record of title for a motor vehicle,
19 motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
20 personal watercraft, sailboat, or snowmobile that is subject to two security interests previously perfected under
21 this section and the applicant has requested issuance of a certificate of title under 61-3-201, the department shall
22 endorse on the face of the certificate of title, "NOTICE. This vehicle is subject to additional security interests on
23 file with the Department of Justice." Other information regarding the additional security interests is not required
24 to be endorsed on the certificate.

25 (4) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle,
26 motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
27 personal watercraft, sailboat, or snowmobile, the mortgagee or vendor has the same remedies as in the case of
28 other personal property. In case of attachment of motor vehicles, motorcycle, quadricycle, off-highway vehicle,
29 utility vehicle, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or
30 snowmobiles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must

1 be made with the department.

2 (5) A secured party or lienholder who has a perfected security interest in a motor vehicle, motorcycle,
3 quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
4 watercraft, sailboat, or snowmobile and who fails to file a satisfaction of the security interest or lien within 21 days
5 after receiving final payment is required to pay the department \$25 for each day that the secured party or
6 lienholder fails to file the satisfaction.

7 (6) Within 24 hours after receiving notice of any involuntary liens or attachments against the record of
8 any motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer,
9 camper, motorboat, personal watercraft, sailboat, or snowmobile registered in this state, the department shall mail
10 to the owner or any secured party or lienholder of record a notice showing the name and address of the lien
11 claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of
12 the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

13 (7) (a) This section does not prevent a secured party or lienholder from assigning the secured party's
14 or lienholder's interest in a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer,
15 semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, for which a certificate
16 of title is issued under this chapter, to any other person without the consent of and without affecting the interest
17 of the holder of the certificate of title.

18 (b) If a secured party assigns all or part of the party's interest in a motor vehicle, motorcycle, quadricycle,
19 off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
20 sailboat, or snowmobile for which a certificate of title is issued under this chapter, the secured party assigning
21 the interest shall file a copy of the assignment with the department and the department shall record the
22 assignment in the department's records.

23 (8) (a) A fee must be paid to the department to file any security interest or other lien against a motor
24 vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
25 motorboat, personal watercraft, sailboat, or snowmobile. The fee covers the cost of entering and, upon the
26 subsequent satisfaction or release, of removing the security interest or lien from the electronic record of title.

27 (b) Beginning January 1, 2002, and ending June 30, 2016, the fee is \$8. Of the \$8 fee, \$4 must be
28 deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state
29 for deposit in the motor vehicle information technology system account provided for in 61-3-550.

30 (c) Beginning July 1, 2016, the fee is \$4 and must be deposited in the state general fund.

1 (9) (a) Until June 30, 2018, a fee of \$10 must be paid to the department by a vehicle owner if, following
2 satisfaction or release of a security interest and its removal from the department's records, the motor vehicle,
3 motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
4 personal watercraft, sailboat, or snowmobile owner requests issuance of a new certificate of title without the
5 security interest or lien shown on the face of the title. Beginning July 1, 2018, the fee for a new certificate of title
6 under this subsection is \$5.

7 (b) Until June 30, 2018, the \$10 fee must be deposited in the motor vehicle information technology
8 system account provided for in 61-3-550.

9 (c) Beginning July 1, 2018, the \$5 fee must be deposited in the state general fund."
10

11 **Section 5.** Section 61-3-201, MCA, is amended to read:

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

19 (2) The following motor vehicles, motorcycles, quadricycles, off-highway vehicles, utility vehicles, trailers,
20 semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from
21 the requirements of this part:

22 (a) a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole
23 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the
24 motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
25 motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

26 (b) except as required in 61-4-111, a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility
27 vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:

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

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

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

16
 17 **Section 6.** Section 61-3-202, MCA, is amended to read:

18 **"61-3-202. Certificate of title -- issuance -- contents -- joint ownership.** (1) A certificate of title issued
 19 by the department must contain:

- 20 (a) the date issued;
- 21 (b) the name and address of the owner;
- 22 (c) the mileage disclosed by the transferor when ownership of the motor vehicle, ~~trailer, semitrailer, pole~~
 23 ~~trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile~~ or motorcycle designed for use on
 24 highways was transferred, including a notation that the record mileage is actual, not actual, or exceeds
 25 mechanical limits;
- 26 (d) the name and address of each secured party and lienholder, in the order of priority and perfection
 27 or, if the application was based on a surrendered certificate of title, in the order that the names and addresses
 28 are shown on the certificate of title;
- 29 (e) the title number assigned to the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility
 30 vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

1 (f) the name of the jurisdiction in which the motor vehicle, motorcycle, quadricycle, off-highway vehicle,
2 utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile
3 owner resides, the words "certificate of title", the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility
4 vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile
5 identification number, the manufacturer's designated model year of manufacture, make, and model of the motor
6 vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
7 motorboat, personal watercraft, sailboat, or snowmobile, and any required or carried-forward brands;

8 (g) the unique transaction record number, if available and assigned by the department; and

9 (h) any other data that the department prescribes.

10 (2) A certificate of title issued by the department is valid until canceled by the department upon:

11 (a) a transfer, in the electronic record, of title of any ownership interest shown in the certificate of title;

12 (b) notice received by the department of the surrender of the certificate of title to a motor vehicle,
13 motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
14 personal watercraft, sailboat, or snowmobile to a title-issuing agency of another jurisdiction for an issuance of
15 a title in that jurisdiction;

16 (c) the issuance of a duplicate certificate of title; or

17 (d) a determination by the department that the certificate of title contains a substantial error or that the
18 person who requested issuance of the certificate of title paid the required fees and taxes with an insufficient funds
19 check.

20 (3) (a) Whenever the conditions described in subsection (2)(d) occur, the department shall:

21 (i) give prompt written notice of the cancellation of the certificate of title to any owner, secured party, or
22 lienholder of record; and

23 (ii) stop any change to the electronic record of title.

24 (b) The action taken by the department under subsection (3)(a) prevents the transfer of any ownership
25 interest until the error is corrected or the fees and taxes have been paid.

26 (4) If the names and addresses of more than one owner are listed on the certificate of title, joint
27 ownership with right of survivorship, and not as tenants in common, is presumed."

28

29 **Section 7.** Section 61-3-205, MCA, is amended to read:

30 **"61-3-205. Transfer of ownership of vehicles by insurance company.** (1) (a) Except as provided in

1 subsection (2), an insurance company or its adjuster that has taken possession of a motor vehicle, motorcycle,
2 quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
3 watercraft, sailboat, or snowmobile as a result of settling an insurance claim and that transfers ownership of the
4 motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
5 motorboat, personal watercraft, sailboat, or snowmobile shall deliver to the transferee at the time of transfer a
6 certificate of title signed and acknowledged by the registered owner or owners before the county treasurer, a
7 deputy county treasurer, or a notary public.

8 (b) If the certificate of title names one or more holders of a perfected security interest in the motor
9 vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
10 motorboat, personal watercraft, sailboat, or snowmobile, the insurance company or its adjuster shall also secure
11 and deliver to the transferee a release from the secured party of the security interest.

12 (2) (a) The registered owner or owners may use an electronic signature pursuant to Title 30, chapter 18,
13 part 1, on the certificate of title or on a limited power of attorney to assign ownership of a motor vehicle,
14 motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
15 personal watercraft, sailboat, or snowmobile. The department may prescribe the form of the limited power of
16 attorney to be used for this purpose. A certificate of title transferred with an electronic signature does not require
17 acknowledgment by the county treasurer, a deputy county treasurer, or a notary public. A power of attorney
18 executed under authority of this subsection (2)(a) does not require notarization.

19 (b) A secured party may release a perfected security interest in a motor vehicle, motorcycle, quadricycle,
20 off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
21 sailboat, or snowmobile under this section by electronic signature pursuant to Title 30, chapter 18, part 1."
22

23 **Section 8.** Section 61-3-208, MCA, is amended to read:

24 **"61-3-208. Affidavit and bond for certificate of title.** (1) If an applicant for a certificate of title cannot
25 provide the department with the certificate of title that assigns the prior owner's interest in the motor vehicle,
26 motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
27 personal watercraft, sailboat, or snowmobile to the applicant, the department may issue a certificate of title if
28 subsection (2) is complied with.

29 (2) (a) The applicant shall submit an affidavit in a form prescribed by the department that must be signed
30 and sworn to before an officer authorized to administer oaths and affirmations. The affidavit must accompany the

1 application for the certificate of title and must:

2 (i) include the facts and circumstances through which the applicant acquired ownership and possession
3 of the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer,
4 camper, motorboat, personal watercraft, sailboat, or snowmobile;

5 (ii) disclose security interests, liens, or encumbrances that are known to the applicant and that are
6 outstanding against the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer,
7 semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

8 (iii) state that the applicant has the right to have a certificate of title issued.

9 (b) The application must satisfy one of the following conditions:

10 (i) ~~The vehicle for which~~ If the application is being made must be for a certificate of title to a camper,
11 quadricycle, off-highway vehicle, utility vehicle, motorboat, personal watercraft, sailboat 12 feet in length or
12 longer, or snowmobile, and the loss of the applicant shall establish to the department's satisfaction that the
13 certificate of title must be established by the applicant to the department's satisfaction was lost and provide
14 evidence, if available, of purchase or transfer, including but not limited to a bill of sale, an invoice, or another
15 supporting document.

16 (ii) If application is being made for a certificate of title to a motor vehicle, motorcycle, trailer, semitrailer,
17 or pole trailer with a value of \$500 or less, the applicant shall establish the loss of the certificate of title to the
18 department's satisfaction and either provide evidence of the average trade-in or wholesale value of the motor
19 vehicle, motorcycle, trailer, semitrailer, or pole trailer as determined by the applicable national appraisal guide
20 for the vehicle as of January 1 for the year in which the application is made or, if a national appraisal guide is not
21 available for a motor vehicle, motorcycle, trailer, semitrailer, or pole trailer, the applicant shall certify that the value
22 of the motor vehicle, motorcycle, trailer, semitrailer, or pole trailer is \$500 or less.

23 (iii) If application is being made for a motor vehicle, motorcycle, trailer, semitrailer, or pole trailer with a
24 value that exceeds \$500, the applicant shall provide a bond, in a form prescribed by the department, issued by
25 a surety company authorized to do business in this state, in an amount equal to the value of the motor vehicle,
26 motorcycle, trailer, semitrailer, or pole trailer for which the application is being made as determined by the
27 applicant, based on information from the applicable national appraisal guide for the motor vehicle, motorcycle,
28 trailer, semitrailer, or pole trailer as of January 1 for the year in which the application is made or, if a national
29 appraisal guide is not available for a motor vehicle, motorcycle, trailer, semitrailer, or pole trailer, according to the
30 applicant's knowledge and belief. The bond is conditioned to indemnify a prior owner, lienholder, subsequent

1 purchaser, secured creditor, or encumbrancer of the motor vehicle, motorcycle, trailer, semitrailer, or pole trailer
 2 and any respective successors in interest against expenses, losses, or damages, including reasonable attorney
 3 fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the
 4 right, title, and interest of the applicant in the motor vehicle, motorcycle, trailer, semitrailer, or pole trailer.

5 ~~(iv) If the application is being made for a motor vehicle sold without a manufacturer's certificate of origin,~~
 6 ~~the applicant shall:~~

7 ~~———(A) purchase and install all equipment required for the motor vehicle pursuant to Title 61, chapter 9, part~~
 8 ~~2;~~

9 ~~———(B) obtain an inspection by a law enforcement agent to verify that all required equipment is present and~~
 10 ~~operational;~~

11 ~~———(C) provide a bond, in a form prescribed by the department, issued by a surety company authorized to~~
 12 ~~do business in this state, in an amount equal to the full retail price of the motor vehicle for which the application~~
 13 ~~is being made. The bond is conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured~~
 14 ~~creditor, or encumbrancer of the motor vehicle and any respective successors in interest against expenses,~~
 15 ~~losses, or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by~~
 16 ~~a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the motor vehicle.~~

17 (3) Any interested person has a right of action to recover on the bond furnished under this section for
 18 a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of
 19 the bond.

20 (4) Unless the department has been notified of a pending action to recover the bond furnished under this
 21 section, the department shall return the bond at the earlier of:

22 (a) 3 years from the date of issuance of the certificate of title; or

23 (b) the date of surrender of the valid certificate of title to the department if the motor vehicle, motorcycle,
 24 quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal
 25 watercraft, sailboat, or snowmobile is no longer required to have a certificate of title in this state."

26

27 **Section 9.** Section 61-3-216, MCA, is amended to read:

28 **"61-3-216. Certificates of title -- application -- contents -- issuance.** (1) The owner of a motor vehicle,
 29 motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal
 30 watercraft, sailboat, snowmobile, or off-highway vehicle shall apply for a certificate of title on a form prescribed

1 by the department or, if authorized by the department, in an electronic record provided by the department and
2 made available to an authorized agent of the department or a county treasurer.

3 (2) The application for a certificate of title, upon completion, must include:

4 (a) the owner's name, Montana residence and, if different, mailing address, and customer identification
5 number;

6 (b) a description of the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole
7 trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle,
8 including, as available and pertinent to the vehicle:

9 (i) the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer,
10 camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle make, model,
11 manufacturer's designated model year of manufacture, vehicle identification number, and type of body and a
12 description of motive power;

13 (ii) the odometer reading, if applicable, at the time of transfer of ownership;

14 (iii) the gross vehicle weight rating, gross vehicle weight, or shipping weight, if applicable, as determined
15 by the manufacturer;

16 (iv) whether the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel
17 trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle was new or used
18 at the time of transfer; and

19 (v) for a trailer operating intrastate, its declared weight;

20 (c) the date on which the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole
21 trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle was
22 purchased by or was transferred to the applicant, the name and address of the person from whom the motor
23 vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,
24 personal watercraft, sailboat, snowmobile, or off-highway vehicle was acquired, and the names and addresses
25 of any secured parties or lienholders for whom the applicant is acknowledging a voluntary security interest;

26 (d) any other information that the department requires to identify the motor vehicle, motorcycle,
27 quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft,
28 sailboat, snowmobile, or off-highway vehicle and to enable the department to determine whether the owner is
29 entitled to a certificate of title and to determine the existence of security interests in the motor vehicle, motorcycle,
30 quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft,

1 sailboat, snowmobile, or off-highway vehicle;

2 (e) if applicable, an odometer statement containing the information required in 61-3-206 or, if the title
3 does not contain a space for the information, a separate document approved by the department that provides the
4 same information that is required in 61-3-206; and

5 (f) a section that gives the applicant the option to direct the department, upon examination and review
6 of the records and completion of the application process, to:

7 (i) issue a certificate of title as soon as possible; or

8 (ii) update the electronic record of title for the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer,
9 semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway
10 vehicle, issue a transaction summary receipt, and postpone the issuance of a certificate of a title until the motor
11 vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,
12 personal watercraft, sailboat, snowmobile, or off-highway vehicle owner submits a separate request for issuance
13 of the certificate of title.

14 (3) If the application is for a certificate of title to a new motor vehicle, motorcycle, quadricycle, utility
15 vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat,
16 snowmobile, or off-highway vehicle, the application must be accompanied by a manufacturer's certificate of origin,
17 properly assigned to the applicant, or if the manufacturer of an off-highway vehicle, quadricycle, or utility vehicle
18 does not issue a manufacturer's certificate of origin for that type of vehicle, a notarized bill of sale and an invoice
19 from the dealer who sold the vehicle to the applicant.

20 (4) Except as provided in 61-3-208 or subsection (4)(b) of this section, if the application is for a certificate
21 of title to a used motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer,
22 camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle, the application must be:

23 (a) accompanied by a certificate of title that is properly assigned by the prior owner to the applicant; or

24 (b) acknowledged by the prior owner if the prior owner's interest in the motor vehicle, motorcycle,
25 quadricycle, utility vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft,
26 sailboat, snowmobile, or off-highway vehicle was assigned to the applicant by means of a transfer on the
27 electronic record of title entered by an authorized agent of the department or a county treasurer.

28 (5) ~~If the application is for a certificate of title to a camper and if an applicant cannot provide a certificate~~
29 ~~of title properly assigned by the prior owner is not available, the application must be accompanied by a notarized~~
30 ~~bill of sale or a conditional sales contract~~ as required in subsection (4)(a), the application for certificate of title

1 must be made under 61-3-208.

2 ~~(6) If the application is for a certificate of title to a motorboat, a personal watercraft, a sailboat that is 12~~
3 ~~feet in length or longer, or a snowmobile and a certificate of title properly assigned by the prior owner is not~~
4 ~~available, the application must be accompanied by a notarized bill of sale, an invoice, the current registration~~
5 ~~receipt for the motorboat, personal watercraft, sailboat, or snowmobile, or a certificate of number showing the~~
6 ~~transfer of ownership, which may be used to show the transfer of ownership for a motorboat, personal watercraft,~~
7 ~~sailboat, or snowmobile from the immediate prior owner to the applicant."~~

8

9 **Section 10.** Section 61-3-217, MCA, is amended to read:

10 **"61-3-217. Certificate of title -- duties -- examination of application -- records check -- incomplete**
11 **application.** (1) (a) Upon receipt of an application for a certificate of title and any supporting documents, an
12 authorized agent of the department or a county treasurer shall:

13 (i) review the application and documents;

14 (ii) complete the records check required in subsection (2); and

15 (iii) if an authorized agent of the department or the county treasurer is satisfied as to the genuineness
16 and regularity of the application and satisfied that the applicant is entitled to the issuance of a certificate of title,
17 enter the transfer of interest on the electronic record of title.

18 (b) If an authorized agent of the department or the county treasurer is not satisfied as to the genuineness
19 and regularity of the application or is not satisfied that the applicant is entitled to the issuance of a certificate of
20 title, the authorized agent or the county treasurer may not enter the transfer of interest on the electronic record
21 of title.

22 (c) If an authorized agent of the department or the county treasurer enters the transfer of interest on the
23 electronic record of title, an authorized agent or the county treasurer shall:

24 (i) issue a transaction summary receipt to the applicant and, if requested, to any secured party or
25 lienholder with a perfected security interest; and

26 (ii) as prescribed by the department, forward to the department the application, the assigned certificate
27 of title, and any other documents provided in support of the application.

28 (2) The department, its authorized agent, or a county treasurer who first receives an application for a
29 certificate of title shall check the vehicle identification number shown on the application against:

30 (a) the records of motor vehicles, motorcycles, quadricycles, off-highway vehicles, utility vehicles, trailers,

1 semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles maintained by
2 the department under 61-3-101;

3 (b) the reported stolen motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer,
4 semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile databases maintained
5 on the state's criminal justice information network and by the national crime information center; and

6 (c) any other records or databases prescribed by the department.

7 (3) (a) Upon receipt of an application for a certificate of title and supporting documents that have been
8 processed by an authorized agent of the department or a county treasurer, the department shall review the
9 documents to determine if the application is complete. If the department determines that the application is
10 incomplete, the department shall enter the incomplete status of the application on the electronic record of title
11 for the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer,
12 camper, motorboat, personal watercraft, sailboat, or snowmobile and return to the applicant, by first-class mail,
13 the application and all supporting documents. The department shall provide a statement with a specific
14 description of the additional information or documents that must be supplied by the applicant to complete the
15 application process.

16 (b) The department may not complete the application process, remove the incomplete status notation
17 on the electronic record of title, or issue a certificate of title until the applicant returns the completed application,
18 including any supporting additional information or documents, to the department."

19

20 **Section 11.** Section 61-3-218, MCA, is amended to read:

21 **"61-3-218. Certificate of title -- issuance -- delivery.** (1) Except as provided in subsection (2), if a
22 person who applied for a certificate of title also requested the issuance of the certificate of title as provided in
23 61-3-216(2)(f)(i), upon receipt of the application and all supporting documents and after an examination and
24 determination that the application is complete and regular, the department shall issue a certificate of title of the
25 motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
26 motorboat, personal watercraft, sailboat, or snowmobile and shall mail the certificate of title to the owner.

27 (2) If a person to whom a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle,
28 trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred
29 has not satisfied the titling and registration provisions of this chapter or, if applicable, the registration provisions
30 of Title 23, chapter 2, part 5 or 6, within the 40-day period provided in 61-3-220(3) and the secured party or

1 lienholder pays the title fee required in 61-3-203, the department may mail a certificate of title to the secured party
2 or lienholder upon request of the secured party or lienholder.

3 (3) (a) A motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer,
4 pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owner who requested the delayed
5 issuance of a certificate of title under 61-3-216(2)(f)(ii), in the initial application for a certificate of title, may submit
6 a request for the issuance of the certificate of title to the department, its authorized agent, or a county treasurer
7 in a manner prescribed by the department. Upon receipt, the department shall issue a certificate of title for the
8 motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
9 motorboat, personal watercraft, sailboat, or snowmobile and mail the certificate of title to the owner.

10 (b) A title fee may not be demanded from the owner or collected by the department, its authorized agent,
11 or a county treasurer for a certificate of title requested or issued under subsection (3)(a)."

12

13 **Section 12.** Section 61-3-219, MCA, is amended to read:

14 **"61-3-219. Refusal to issue certificate of title.** The department may refuse to issue a certificate of title
15 if any required fee is not paid or if the department has reasonable grounds to believe that:

16 (1) the applicant is not the owner of the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility
17 vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;

18 (2) the application contains a false or fraudulent statement;

19 (3) the applicant failed to furnish any information or document required by the department; or

20 (4) based on the check performed under 61-3-217(2), the motor vehicle, motorcycle, quadricycle,
21 off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
22 sailboat, or snowmobile has been reported as stolen."

23

24 **Section 13.** Section 61-3-220, MCA, is amended to read:

25 **"61-3-220. Certificate of title -- voluntary transfer -- duties.** (1) Upon the voluntary transfer of any
26 interest in a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole
27 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title was issued
28 under the provisions of this chapter, the owner whose interest is to be transferred shall:

29 (a) authorize, in writing and on a form prescribed by the department, an authorized agent, or a county
30 treasurer, to enter the transfer of the owner's interest in the motor vehicle, motorcycle, quadricycle, off-highway

1 vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
2 snowmobile to the transferee on the electronic record of title maintained under 61-3-101; or

3 (b) execute a transfer in the appropriate space provided on the certificate of title issued to the owner and
4 deliver the assigned certificate of title to:

5 (i) the transferee at the time of delivery of the motor vehicle, motorcycle, quadricycle, off-highway vehicle,
6 utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile;
7 or

8 (ii) the department, its authorized agent, or a county treasurer if an application for a certificate of title has
9 been completed by the transferee and accompanies the assigned certificate of title.

10 (2) The transferor's signature on the certificate of title, or the form authorizing transfer of interest upon
11 the electronic record of title, must be acknowledged before the county treasurer, a deputy county treasurer, an
12 elected official authorized to acknowledge signatures, an employee or authorized agent of the department, or a
13 notary public.

14 (3) Except as provided in 61-4-111, the person to whom an interest in a motor vehicle has been
15 transferred shall:

16 (a) execute an application for a certificate of title in the space provided on the assigned certificate of title
17 or as prescribed by the department; and

18 (b) within 40 days after the interest in the motor vehicle, motorcycle, quadricycle, off-highway vehicle,
19 utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was
20 transferred to the person, either:

21 (i) apply for a certificate of title under 61-3-216 and register the motor vehicle, motorcycle, quadricycle,
22 off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
23 sailboat, or snowmobile under 61-3-303; ~~or~~

24 (ii) subject to the limitations of 61-3-312, register the motor vehicle, motorcycle, quadricycle, off-highway
25 vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
26 snowmobile without the surrender of a previously assigned certificate of title and application for certificate of title
27 under 61-3-303; or

28 (iii) if the motor vehicle is a motorcycle, quadricycle, off-highway vehicle, or utility vehicle that will be
29 operated only on private property, apply for a certificate of title under 61-3-216.

30 (4) If the person to whom an interest in a motor vehicle, motorcycle, quadricycle, off-highway vehicle,

1 utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile has
2 been transferred fails to comply with the requirements described in subsection (3) within the 40-day grace period,
3 a late penalty of \$10 must be imposed against the transferee. The penalty must be paid before the transferee
4 registers the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole
5 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in this state, with or without the surrender
6 of an assigned certificate of title. The penalty is in addition to the fees otherwise provided by law.

7 (5) If the transferee does not comply with the requirements of subsection (3) within the 40-day grace
8 period, a secured party or lienholder of record may pay the fees for the transfer of title and for filing a voluntary
9 security interest or lien. The secured party or lienholder is not liable for the late penalty imposed in subsection
10 (4) or for registration fees, taxes, or fees in lieu of tax on the motor vehicle, motorcycle, quadricycle, off-highway
11 vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
12 snowmobile."

13

14 **Section 14.** Section 61-3-221, MCA, is amended to read:

15 **"61-3-221. Involuntary transfer.** (1) (a) An involuntary transfer of title to or any interest in a motor
16 vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper,
17 motorboat, personal watercraft, sailboat, or snowmobile may occur by operation of law through inheritance,
18 devise, bequest, order in bankruptcy or insolvency, execution sale, or repossession upon default in the
19 performance of the terms of a lease, executory sales contract, or security agreement or in any other manner other
20 than by voluntary act of the person whose title or interest is transferred. Upon the involuntary transfer, the
21 executor, administrator, receiver, trustee, sheriff, secured party, or other representative or successor in interest
22 of the person whose interest is transferred shall send to the department:

23 (i) an application for a certificate of title; and

24 (ii) a verified or certified statement of the transfer of interest or a transfer statement, as defined in
25 30-9A-619.

26 (b) The statement of transfer of interest must state the reason for the involuntary transfer, the interest
27 transferred, the name of the person to whom the interest is to be transferred, the process or procedure creating
28 the transfer, and other information requested by the department. A transfer statement submitted under this
29 section must meet the requirements of 30-9A-619. Evidence and instruments that are required by law in order
30 to effect a transfer of legal or equitable title to or an interest in chattels must be submitted with the statement.

1 (c) Except as provided in subsection (2), if the department determines that the transfer is regular and
 2 that all legal requirements have been complied with, the department shall send notice of the intended transfer
 3 to the owner, conditional sales vendor, lessor, mortgagee, and other lienholder, as shown in the department's
 4 records. Deposit in the U.S. mail of the notice, postage prepaid, addressed to the person at the respective
 5 address shown in the department's records satisfies the notice required by this section. Not less than 5 days after
 6 sending the notice, the department shall issue a new certificate of title to the transferee.

7 (2) (a) Except as provided in subsection (2)(b), if an interest in a motor vehicle, motorcycle, quadricycle,
 8 off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft,
 9 sailboat, or snowmobile that is not registered in this state is involuntarily transferred to a person in this state, the
 10 person to whom the interest is transferred shall follow the procedure provided in subsection (1).

11 (b) In lieu of the statement required in subsection (1), the department may accept an affidavit of
 12 repossession as executed by the person seeking the involuntary transfer.

13 (3) The department is not required to send notice for a transfer of interest occurring under subsection
 14 (2)."

15
 16 **Section 15.** Section 61-3-222, MCA, is amended to read:

17 "**61-3-222. Surviving spouse or heir -- small estates.** (1) Subject to the requirements of Title 72,
 18 chapter 3, part 11, the surviving spouse or other heir may secure transfer of a decedent's ownership interests
 19 in one or more motor vehicles, motorcycles, quadricycles, off-highway vehicles, utility vehicles, trailers,
 20 semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles for which a
 21 certificate of title was issued under this chapter if:

22 (a) the value of the entire estate, including any vehicles, vessels, or snowmobiles for which transfer of
 23 ownership is sought, less liens and encumbrances, does not exceed the limit set forth in 72-3-1101;

24 (b) the decedent did not leave other property that requires the procuring of letters of administration or
 25 letters testamentary; and

26 (c) the decedent did not by execution of a will otherwise bequeath the property.

27 (2) The person seeking transfer of the decedent's interests under this section shall file an affidavit with
 28 the department setting forth the fact of survivorship, the name and address of any other heirs, and any other facts
 29 determined necessary to entitle the person to the transfer.

30 (3) If the department determines that the transfer is regular and that all legal requirements have been

1 met, the department shall issue a certificate of title, subject to any security interests shown by the department's
 2 records, to the surviving spouse or other heir."

3

4 **Section 16.** Section 61-3-224, MCA, is amended to read:

5 **"61-3-224. Temporary registration permit -- authority to adopt rules -- issuance -- placement --**

6 **fees.** (1) The department may adopt rules governing the issuance of temporary registration permits. The rules
 7 must specify the purposes for which a temporary registration permit may be issued, including but not limited to
 8 issuance to:

9 (a) a Montana resident who acquires a new or used motor vehicle, motorcycle, quadricycle, utility vehicle,
 10 trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway
 11 vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle or vessel under this
 12 chapter;

13 (b) a Montana resident whose motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer,
 14 pole trailer, snowmobile, or off-highway vehicle is titled in the Montana resident's name in another jurisdiction,
 15 prior to titling and registration of the vehicle in this state under this chapter;

16 ~~(b)(c)~~ the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number
 17 in order to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title
 18 under 61-3-107 or 61-3-212;

19 ~~(c)(d)~~ the owner of a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer,
 20 semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production and receipt
 21 of special or duplicate license plates ordered for the vehicle under this chapter;

22 ~~(d)(e)~~ a nonresident of this state who acquires a motor vehicle, motorcycle, quadricycle, off-highway
 23 vehicle, utility vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling
 24 and registration under the laws of the nonresident's jurisdiction of residence;

25 ~~(e)(f)~~ a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply
 26 fertilizer to agricultural lands into the state for special demonstration in this state;

27 ~~(f)(g)~~ a financial institution located in Montana for a prospective purchaser to demonstrate a motor
 28 vehicle that the financial institution has obtained following repossession; ~~or~~

29 ~~(g)(h)~~ an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the
 30 vehicle by the insurer as a result of the settlement of an insurance claim; or

1 (i) a nonresident owner to temporarily operate a quadricycle or, utility vehicle, OR MOTORCYCLE DESIGNED
 2 FOR OFF-ROAD RECREATIONAL USE on the highways of this state when the quadricycle or, utility vehicle, OR
 3 MOTORCYCLE DESIGNED FOR OFF-ROAD RECREATIONAL USE is equipped for use on the highways as prescribed in
 4 chapter 9 but the quadricycle or, utility vehicle, OR MOTORCYCLE DESIGNED FOR OFF-ROAD RECREATIONAL USE is not
 5 registered or is only registered for off-road use in the nonresident's home state.

6 (2) (a) The department, an authorized agent, or a county treasurer may issue a temporary registration
 7 permit for any purpose authorized under the rules adopted by the department.

8 (b) An authorized agent or a county treasurer may issue a temporary registration permit without use of
 9 the department-approved electronic interface only if authorized by the department.

10 (3) A person, using a department-approved electronic interface, may issue a temporary registration
 11 permit for any purpose authorized under the rules adopted by the department.

12 (4) A temporary registration permit issued under this section must contain the following information:

13 (a) a temporary plate number as prescribed by the department;

14 (b) the expiration date of the temporary registration permit; and

15 (c) if required by the department, a description of the motor vehicle, motorcycle, quadricycle, off-highway
 16 vehicle, utility vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile,
 17 including year, make, model, and vehicle identification number, the name of the person from whom ownership
 18 of the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer,
 19 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
 20 residence address of the ~~person to whom ownership~~ owner of the motor vehicle, motorcycle, quadricycle,
 21 off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or
 22 snowmobile ~~has been transferred,~~ and the date of issuance.

23 (5) A temporary registration permit for:

24 (a) a motor vehicle, motorcycle, trailer, semitrailer, or pole trailer must be plainly visible and firmly
 25 attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

26 (b) a motorboat, a sailboat that is 12 feet in length or longer, a quadricycle, a utility vehicle, a
 27 snowmobile, or an off-highway vehicle must be plainly visible and firmly attached to the vehicle or vessel.

28 (6) (a) Except as provided in 61-3-431 and subsection (6)(b) of this section, a \$3 fee is imposed upon
 29 issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The
 30 fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent,

1 or a county treasurer when the vehicle is registered.

2 (b) Except as provided in 61-3-431, a fee of \$8 is imposed and must be paid upon issuance of a
3 temporary registration permit by:

4 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires
5 a vehicle or vessel in this state or who registers a quadricycle or utility vehicle for temporary use in this state; or

6 (ii) a person who issued a temporary registration permit using a department-approved electronic interface.

7 (7) The fees imposed under this section, upon collection, must be forwarded to the state and deposited
8 in the motor vehicle electronic commerce operating account provided for in 61-3-118.

9 (8) If a temporary registration permit is issued under this section to a person to whom ownership of a
10 vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or
11 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."
12

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

14 **"61-3-301. Registration -- license plate required -- display.** (1) (a) Except as provided in 61-4-120,
15 61-4-129, and subsection (1)(b) of this section, a person may not operate a motor vehicle, motorcycle,
16 quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, or travel trailer upon the public
17 highways of Montana unless the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer,
18 semitrailer, pole trailer, or travel trailer is properly registered and has the proper license plates conspicuously
19 displayed on the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer,
20 pole trailer, or travel trailer. A license plate must be securely fastened to prevent it from swinging and may not
21 be obstructed from plain view.

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

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

30 (d) A low-speed electric vehicle or a golf cart operated by a person with a low-speed restricted driver's

1 license must have special license plates, as provided in 61-3-332(9), displayed on the front and rear of the
2 vehicle.

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

8 (3) It is unlawful to:

9 (a) display license plates issued to one motor vehicle, motorcycle, quadricycle, utility vehicle, trailer,
10 semitrailer, pole trailer, or travel trailer on any other motor vehicle, motorcycle, quadricycle, utility vehicle, trailer,
11 semitrailer, pole trailer, or travel trailer unless legally transferred as provided by statute; or

12 (b) repaint old license plates to resemble current license plates.

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 motorcycle, quadricycle, utility vehicle, trailer, semitrailer,
18 pole trailer, or travel trailer."

19

20 **Section 18.** Section 61-3-303, MCA, is amended to read:

21 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana
22 resident who owns a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer
23 operated or driven upon the public highways of this state shall register the motor vehicle, motorcycle, quadricycle,
24 utility vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner
25 is domiciled.

26 (2) Except as provided in subsections ~~(3) and (11)~~ (3), (11), and (12), the county treasurer shall register
27 any vehicle for which:

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

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

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

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

14 (4) Upon registering a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole
15 trailer for the first time in this state, the county treasurer shall:

16 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
17 61-3-101;

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

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

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

21 and

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

23 (5) Unless otherwise provided by law, a person registering a motor vehicle, motorcycle, quadricycle, or
24 utility vehicle, shall pay to the county treasurer:

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

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

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

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

30 (iv) a motorcycle, ~~or quadricycle,~~ or utility vehicle under 61-3-321;

1 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
2 61-3-321 and 61-3-529; or

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

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

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

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

12 (7) The department may make full and complete investigation of the registration status of the motor
13 vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a
14 motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer under this section shall
15 provide additional information to support the registration to the department if requested.

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

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

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

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

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

8 (12) If a motorcycle, quadricycle, utility vehicle, off-highway vehicle, or snowmobile will not be operated
 9 on public highways or public lands, the owner is not required to register the motorcycle, quadricycle, utility vehicle,
 10 off-highway vehicle, or snowmobile under Title 23, chapter 2, part 6 or 8, or under this part."

11
 12 **Section 19.** Section 61-3-313, MCA, is amended to read:

13 **"61-3-313. Motor vehicles exempt from registration renewal.** (1) The following motor vehicles are
 14 exempt from the registration renewal requirements of 61-3-312:

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

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

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

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

23
 24 **Section 20.** Section 61-3-321, MCA, is amended to read:

25 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
 26 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
 27 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
 28 semitrailers, and pole trailers as provided in subsections (2) through (20):

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

- 1 (a) if the vehicle is 4 or less years old, \$217;
- 2 (b) if the vehicle is 5 through 10 years old, \$87; and
- 3 (c) if the vehicle is 11 or more years old, \$28.
- 4 (3) Except as provided in subsection (15), the one-time registration fee based on the declared weight
- 5 of a trailer, semitrailer, or pole trailer is as follows:
- 6 (a) if the declared weight is less than 6,000 pounds, \$61.25; or
- 7 (b) if the declared weight is 6,000 pounds or more, \$148.25.
- 8 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
- 9 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:
- 10 (a) 2,850 pounds and over, \$10; and
- 11 (b) under 2,850 pounds, \$5.
- 12 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles ~~other~~
- 13 ~~than a quadricycle or motorcycle~~ is \$61.25.
- 14 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.
- 15 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:
- 16 (i) less than 2 years old, \$282.50;
- 17 (ii) 2 years old and less than 5 years old, \$224.25;
- 18 (iii) 5 years old and less than 8 years old, \$132.50; and
- 19 (iv) 8 years old and older, \$97.50.
- 20 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
- 21 under this section may permanently register the motor home upon payment of:
- 22 (i) a one-time registration fee of \$237.50;
- 23 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
- 24 deposited in the account established under 61-6-158; and
- 25 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.
- 26 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles, ~~and~~
- 27 ~~quadricycles, and utility vehicles~~ registered for use on public highways is \$53.25, and the one-time registration
- 28 fee for motorcycles, ~~and~~ quadricycles, and utility vehicles registered for both off-road use and for use on the
- 29 public highways is \$114.50.
- 30 (b) An additional fee of \$16 must be collected for the registration of each motorcycle, ~~or~~ quadricycle, or

1 utility vehicle as a safety fee, which must be deposited in the state motorcycle safety account provided for in
2 20-25-1002.

3 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
4 length of the travel trailer, is as follows:

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

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

7 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
8 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

9 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
10 \$65.50;

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

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

14 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a
15 snowmobile is \$60.50.

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

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

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

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

22 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

23 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a
24 low-speed restricted driver's license is \$25.

25 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
26 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
27 which must be displayed visibly on the golf cart.

28 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
29 standard license plates, a new single standard license plate, or a replacement set of special license plates
30 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously

1 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
2 paid if the vehicle to which the plates are transferred is not currently registered.

3 (b) Until January 1, 2015, an additional fee of \$15 must be collected if a vehicle owner elects to keep
4 the same license plate number from license plates issued on or after January 1, 2006, but before January 1,
5 2010, when replacement of those plates is required under 61-3-332(3).

6 (c) The fees imposed in this subsection (13) must be deposited in the account established under
7 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

8 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
9 not binding upon motor vehicles, motorcycles, quadricycles, utility vehicles, trailers, semitrailers, snowmobiles,
10 watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special
11 district, as defined in 18-8-202, or to a vehicle or vessel that meets the description of property exempt from
12 taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g), (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or
13 15-6-215, except as provided in 61-3-520.

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

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

20 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
21 in the state general fund.

22 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the
23 enumerated vehicles or vessels that constitute inventory of the dealership.

24 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
25 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
26 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
27 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
28 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing
29 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

30 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person

1 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
2 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
3 be collected.

4 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
5 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
6 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
7 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
8 election to pay the additional fee on one or more of the light vehicles.

9 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
10 to a different person.

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

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

16

17 **Section 21.** Section 61-3-332, MCA, is amended to read:

18 **"61-3-332. Standard license plates.** (1) In addition to special license plates, collegiate license plates,
19 generic specialty license plates, and fleet license plates authorized under this chapter, a separate series of
20 standard license plates must be issued for motor vehicles, motorcycles, quadricycles, utility vehicles, travel
21 trailers, trailers, semitrailers, and pole trailers registered in this state or offered for sale by a vehicle dealer
22 licensed in this state. Standard license plates issued to licensed vehicle dealers must be readily distinguishable
23 from license plates issued to vehicles owned by other persons.

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

29 (b) For light vehicles that are permanently registered as provided in 61-3-562 and motor vehicles
30 described in 61-3-303(9) that are permanently registered, the department shall provide a distinctive registration

1 decal indicating that the motor vehicle is permanently registered. The registration decal must be affixed to the rear
2 license plate of the permanently registered motor vehicle.

3 (c) For a travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer that is
4 permanently registered as provided in 61-3-313(2), the department may use the word or an abbreviation for the
5 word "permanent" on the plate in lieu of issuing a registration decal for the plate.

6 (3) (a) (i) New license plates issued under 61-3-303 or this section must be a standard license plate
7 design first issued within the last 35 years or current collegiate or generic speciality license plate designs. For
8 the purposes of this subsection (3), all military, veteran, and amateur radio license plates and any license plate
9 with a wheelchair design, excluding collegiate or generic specialty plates with a wheelchair design, are treated
10 as standard license plates.

11 (ii) License plates issued on or after January 1, 2010, must be replaced with new license plates if, upon
12 renewal of registration under this section, the license plates are 5 or more years old or will become older than
13 5 years during the registration period. New license plates must be issued in accordance with the implementation
14 schedule adopted by the department under 61-3-315.

15 (iii) Until January 1, 2015, and upon payment of the fee required in 61-3-321(13)(b), a vehicle owner may
16 elect to keep the same license plate number from license plates issued on or after January 1, 2006, but before
17 January 1, 2010, when replacement of those plates is required under this subsection.

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

20 (c) A light vehicle described in subsection (2)(b) or a motor home that is permanently registered may
21 display the license plate and plate design in effect at the time of registration for the entire period that the light
22 vehicle or motor home is permanently registered.

23 (d) The provisions of this subsection (3) do not apply to a travel trailer, motorcycle, quadricycle, utility
24 vehicle, trailer, semitrailer, or pole trailer.

25 (e) The requirements of this subsection (3) apply to collegiate license plates authorized under 61-3-461
26 through 61-3-468, generic specialty license plates authorized under 61-3-472 through 61-3-481, commemorative
27 centennial license plates authorized under 61-3-448, and special military or veteran license plates authorized
28 under 61-3-458.

29 (4) (a) All license plates must be metal and treated with a reflectorized background material according
30 to specifications prescribed by the department. The word "Montana" must be placed on each license plate and

1 the outline of the state of Montana must be used as a distinctive border on each standard license plate.

2 (b) Plates for semitrailers, travel trailers, pole trailers, trailers with a declared weight of 6,000 pounds or
3 more, and motor vehicles, other than motorcycles and quadricycles, must be 6 inches wide and 12 inches in
4 length.

5 (c) Plates for motorcycles, ~~and quadricycles, and utility vehicles~~ must be 4 inches wide and 7 inches in
6 length.

7 (d) The department shall issue plates that are 4 inches wide and 7 inches in length for trailers with a
8 declared weight of less than 6,000 pounds unless a person registering a trailer with a declared weight of less than
9 6,000 pounds requests plates that are 6 inches wide and 12 inches in length. A person registering a trailer shall
10 pay all applicable fees for the plates chosen.

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

19 (6) For the use of exempt motor vehicles, motorcycles, quadricycles, utility vehicles, trailers, semitrailers,
20 or pole trailers and motor vehicles, motorcycles, quadricycles, utility vehicles, trailers, semitrailers, or pole trailers
21 that are exempt from the registration fee as provided in 61-3-321, in addition to the markings provided in this
22 section, standard license plates must bear the following distinctive markings:

23 (a) For motor vehicles, motorcycles, quadricycles, utility vehicles, trailers, semitrailers, or pole trailers
24 owned by the state, the department may designate the prefix number for the various state departments. All
25 numbered plates issued to state departments must bear the words "State Owned", and a year number may not
26 be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the
27 department only when the physical condition of numbered plates requires it.

28 (b) For motor vehicles, motorcycles, quadricycles, utility vehicles, trailers, semitrailers, or pole trailers
29 that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the
30 laws of Montana and not operating for profit, and that are used and operated by officials and employees in the

1 line of duty and for motor vehicles on loan from the United States government or the state of Montana to, or
2 owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be
3 placed on the standard license plates assigned, in a position that the department may designate, the letter "X"
4 or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles, motorcycles,
5 quadricycles, utility vehicles, trailers, semitrailers, or pole trailers of each of the counties in the state and those
6 of the municipalities and special districts that obtain plates within each county must begin with number one and
7 be numbered consecutively. Because these standard license plates are of a permanent nature, they are subject
8 to replacement by the department only when the physical condition of the license plates requires it and a year
9 number may not be displayed on the plates.

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

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

28 (9) (a) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may and
29 a person with a low-speed restricted driver's license operating a low-speed electric vehicle or golf cart as provided
30 in 61-5-122 must, upon written application on a form prescribed by the department, be issued a special license

1 plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

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

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

9 (10) The provisions of this section do not apply to a motor vehicle, motorcycle, quadricycle, utility vehicle,
10 trailer, semitrailer, or pole trailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject
11 to the provisions of 61-3-711 through 61-3-733."
12

13 **Section 22.** Section 61-3-333, MCA, is amended to read:

14 **"61-3-333. Replacing license plates or decals.** (1) Except as provided in subsection (2), if one or both
15 license plates registered to a motor vehicle, motorcycle, quadricycle, utility vehicle, travel trailer, trailer,
16 semitrailer, or pole trailer or the registration decal for the motor vehicle, motorcycle, quadricycle, utility vehicle,
17 travel trailer, trailer, semitrailer, or pole trailer is mutilated or destroyed, the owner of the registered motor vehicle
18 or trailer may obtain a set of replacement license plates, a replacement license plate, or a duplicate registration
19 decal upon filing a sworn declaration stating that fact and payment of a fee of \$10.

20 (2) If the owner requests that the replacement license plate or plates bear the same background and
21 license plate number as the plate or plates that were destroyed or mutilated, the duplicate license plate or plates
22 may be issued upon payment of a fee of \$15.

23 (3) The fees imposed in this section must be deposited in the account established in 61-6-158, except
24 that \$2 of the fee imposed in subsection (1) must be deposited in the state general fund."
25

26 **Section 23.** Section 61-3-458, MCA, is amended to read:

27 **"61-3-458. Special plates for military personnel, veterans, spouses, and gold star families.** (1) (a)
28 Active military personnel, veterans, or the surviving spouse of an eligible veteran, if the spouse has not remarried,
29 may be issued special military or veteran license plates as provided in this section.

30 (b) Family members of a member of the U.S. armed forces who are eligible for a "Gold Star Lapel Button"

1 may be issued special gold star family license plates as provided in subsection (3).

2 (c) Subject to the provisions of 61-3-332 and except as otherwise provided in this chapter, special license
3 plates issued pursuant to this section must be numbered in sets of two with a different number on each set and
4 must be properly displayed as provided in 61-3-301. ~~Special military, veteran, or gold star family license plates~~
5 ~~may not be issued for a quadricycle, semitrailer, or pole trailer.~~ Special military, veteran, or gold star family license
6 plates bearing a wheelchair as the symbol of a person with a disability may be issued to a person who meets the
7 qualifications under 61-3-332(9) and this section. Special military or veteran license plates may be issued for a
8 motorcycle pursuant to 61-3-414 or a quadricycle or utility vehicle registered for use on public highways.

9 (2) (a) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer
10 registration fees and special license plate fees and providing an official certificate from the applicant's unit
11 commander verifying the individual's eligibility and authorizing the department to issue the plates to the individual,
12 eligible military personnel may be issued one set of special military license plates as provided in this subsection
13 (2).

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

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

23 (d) An active member of the regular armed forces of the United States who is a state resident may be
24 issued special license plates inscribed with a symbol signifying the United States army, United States navy,
25 United States air force, United States marine corps, or United States coast guard, according to the member's
26 branch of service verified in the application. However, the member shall surrender the plates to the department
27 upon becoming ineligible.

28 (3) Upon application, after paying all applicable motor vehicle, trailer, semitrailer, or pole trailer
29 registration fees and special license plate fees and providing a department of defense form 3 (DD Form 3) or its
30 successor or documents showing the person's eligibility for a "Gold Star Lapel Button", a family member of a

1 member of the U.S. armed services who is eligible to receive a "Gold Star Lapel Button" as provided in Public
2 Law 534, 89th congress, may be issued special license plates inscribed with a blue-bordered gold star with the
3 words "Gold Star Family" inscribed beneath the registration number.

4 (4) (a) Upon application, after presenting proper identification and a department of defense form 214
5 (DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment verifying
6 the applicant's eligibility and paying the veterans' cemetery fee specified in 61-3-459 and all applicable motor
7 vehicle, trailer, semitrailer, or pole trailer registration fees under this chapter, subject to the provisions of 61-3-460,
8 an eligible veteran must be issued any set and more than one set of the special license plates provided for in this
9 subsection (4) that the member requests and is eligible to receive.

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

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

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

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

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

22 (e) If the veteran was a member of the United States armed forces on December 7, 1941, and during
23 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
24 offshore from Pearl Harbor at a distance of not more than 3 miles, the veteran may be issued special license
25 plates designed to show that the veteran is a survivor of the Pearl Harbor attack.

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

28 (g) A veteran may be issued special license plates displaying the word "VETERAN" and a symbol
29 signifying the United States army, United States navy, United States air force, United States marine corps, or
30 United States coast guard, according to the veteran's service record verified in the application.

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

4 (i) A veteran who qualifies under subsections (4)(b) and (4)(c) may be issued special combination license
5 plates displaying the letters "DV" and displaying a purple heart decal with the words "combat wounded". A person
6 who receives the combination plates is entitled to the same parking privileges as provided in subsection (4)(b).

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

12 (6) For purposes of this section, "veteran" has the meaning provided in 10-2-101."
13

14 **Section 24.** Section 61-3-509, MCA, is amended to read:

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

21 (2) (a) The department, its authorized agent, or a county treasurer is responsible for pursuing remedies
22 available under 27-1-717 or otherwise provided by law when a check, draft, converted check, electronic funds
23 transfer, or order for the payment of money is dishonored:

24 (i) for lack of funds or credit;

25 (ii) because the issuer does not have an account with the entity from which the funds are to be drawn;

26 or

27 (iii) because the issuer stops payment with the intent to defraud the payee of the check or the payee
28 named on the issued check, draft, converted check, electronic funds transfer, or order for the payment of money.

29 (b) Once fees have been remitted to the state under this section, adjustments may be made only for
30 dishonored instruments if less than 1 year has elapsed from the date of remittance."

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Section 25. Section 61-4-101, MCA, is amended to read:

"61-4-101. Types of licenses and terms -- common application -- bonds -- zoning. (1) Except as provided in 61-4-120 and 61-4-125, a person may not engage in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker of a motor vehicle, trailer, travel trailer, semitrailer, pole trailer, motorcycle, quadricycle, utility vehicle, motorboat, personal watercraft, snowmobile, off-highway vehicle, or special mobile equipment that is not registered in the person's name unless the person is the holder of a license issued by the department under this part.

(2) (a) The department may issue a new dealer's license, a used dealer's license, a broker's license, an auto auction license, or a wholesaler license to any person it determines is qualified to hold the license under the provisions of this section.

(b) A new dealer's license authorizes the holder to sell:

(i) any new motor vehicle, new power sports vehicle, or new trailer that is covered under a franchise agreement between the holder and the manufacturer, importer, or distributor of the line of vehicle or trailer offered for sale; and

(ii) any used motor vehicle, used power sports vehicle, or used trailer.

(c) A used dealer license authorizes the holder to sell any used motor vehicle, used power sports vehicle, or used trailer.

(d) A broker's license authorizes the holder to negotiate the purchase, sale, or exchange of a motor vehicle, power sports vehicle, or trailer from a dealer or another person upon behalf of a client when the broker does not store, display, or take ownership of the motor vehicle, power sports vehicle, or trailer being purchased, sold, or exchanged.

(e) Except as provided in 61-4-120, an auto auction license authorizes the holder to take possession of a used vehicle owned by another person through consignment, bailment, or any other arrangement and to sell to the highest bidder when all bidders are licensed vehicle dealers, wholesalers, or wrecking facilities.

(f) A wholesaler license authorizes the holder to sell used vehicles to a new or used vehicle dealer, an auto auction, or another wholesaler.

(3) Subject to the provisions of 61-4-120, 61-4-124, and 61-4-125, a license issued by the department is valid until:

(a) voluntarily returned to the department for surrender and cancellation upon the cessation of the

1 licensee's business operations; or

2 (b) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor
3 vehicles, power sports vehicles, or trailers.

4 (4) (a) An applicant for a new dealer's license, a used dealer's license, a broker's license, an auto auction
5 license, or a wholesaler license shall submit a written application to the department. The application must be
6 signed by the applicant and contain a verification by the applicant, under penalty of law, that the information
7 contained in the application is true and correct. Any information provided in the license application process is
8 subject to independent verification by the department or an authorized representative of the department.

9 (b) After examining a license application and conducting an investigation necessary to verify the
10 information contained in the application and if the department is satisfied that the applicant qualifies for the
11 issuance of a license under the provisions of this chapter, the department may issue the license. The department
12 may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for
13 licensure or whose prior financial or other activities or criminal record, as determined by the department:

14 (i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

15 (ii) poses a threat to the public interest of the state; or

16 (iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed
17 dealership, wholesaler, or auto auction.

18 (5) To be qualified for licensure, an applicant shall provide to the department the following information:

19 (a) the name under which the applicant intends to conduct business and the applicant's name, the street
20 address and, if different, mailing address for the business, and customer identification number;

21 (b) the name, date of birth, and social security number of any person who:

22 (i) possesses or will possess an ownership interest in the business for which the license is sought;

23 (ii) is a corporate officer or the managing member of a business entity applying for the license; or

24 (iii) is or will be designated by the applicant to manage or oversee the applicant's business;

25 (c) for each person subject to the provisions of subsection (5)(b), information concerning whether the
26 person has:

27 (i) an ownership interest in a vehicle dealership, an auto auction, or a wholesaler business in Montana
28 or any other state and, if so, the name and address of each dealership, auto auction, or wholesaler; and

29 (ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall
30 provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court

1 proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

2 (d) the name, address, and telephone number of the insurance carrier from whom the applicant has
3 acquired general liability insurance, naming the department as a certificate holder of the policy, and the name,
4 address, and telephone number of the local insurance agent for the carrier and the applicant's policy number.
5 The insurance must cover any motor vehicle bearing dealer or demonstrator license plates and any motorboat,
6 snowmobile, or off-highway vehicle displaying a dealer's identification card that is offered for demonstration or
7 loan to a customer or otherwise operated by a customer in the regular course of the applicant's business and
8 must be for a minimum of 1 year;

9 (e) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale, if
10 applicable, and of a permanent nonresidential building that will be maintained to store the actual physical or
11 electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is
12 sought. An applicant may use more than one location to display vehicles for sale if the maximum distance
13 between each display lot does not exceed 200 feet and if the distance between a display lot and the building in
14 which vehicle sales records are stored does not exceed 1,000 feet.

15 (f) for each geographic location specified in the application, evidence of the applicant's compliance with
16 applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance
17 may be documented by means of a written verification of compliance signed by the authorized representative of
18 the local land use planning or zoning board or the local business-permitting agency.

19 (g) a diagram or plat showing the geographic location, lot dimensions, if applicable, and building and sign
20 placement for the applicant's proposed established place of business, along with two or more photographs of the
21 geographic location, building premises, and sign, as prescribed by the department;

22 (h) if the applicant is seeking a new motor vehicle dealer's license:

23 (i) the name and address of the manufacturer, importer, or distributor with whom the applicant has a
24 written new motor vehicle, power sports vehicle, or trailer franchise or sales agreement, the term of the
25 agreement, and the name and make of all motor vehicles, power sports vehicles, or trailers to be handled by the
26 applicant;

27 (ii) the geographic location or locations, specified in writing, upon which the applicant will provide and
28 maintain a permanent building to display and sell new motor vehicles, power sports vehicles, or trailers and offer
29 and maintain a bona fide service department for the repair, service, and maintenance of the motor vehicles,
30 power sports vehicles, or trailers; and

1 (iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter.

2 (6) If an applicant wants to maintain more than one established place of business, the applicant shall
3 file a separate license application for each proposed place of business and otherwise qualify for licensure at each
4 place separately.

5 (7) Each application under this section must be accompanied by the following fees:

6 (a) for a new or used dealer's license, a broker's license, or a wholesaler's license, \$30; and

7 (b) for an auto auction license, the fee provided for in 61-4-120.

8 (8) (a) Except as provided in subsection (8)(b), an applicant for a dealer's license, broker's license,
9 wholesaler's license, or auto auction license shall also file with the application a bond of \$50,000.

10 (b) An applicant whose business will be restricted to the sale of motorcycles, utility vehicles, or
11 quadricycles shall file a bond of \$15,000. An applicant whose business will be restricted to the sale of motorboats,
12 personal watercraft, snowmobiles, or off-highway vehicles, other than motorcycles originally equipped for use on
13 the highway, shall file a bond of \$5,000.

14 (c) All bonds must be conditioned that the applicant shall conduct the business in accordance with the
15 requirements of the law. All bonds must be approved by the department, must be filed in its office, and must be
16 renewed annually."

17

18 **Section 26.** Section 61-4-108, MCA, is amended to read:

19 **"61-4-108. Exemptions.** (1) This part does not require licensure of, or restrict or prohibit a financial
20 institution, as defined in 32-6-103:

21 (a) in the selling of collateral repossessed on default of a loan made by the financial institution;

22 (b) in the conduct of a motor vehicle sales promotion in affiliation with one or more licensed dealers; or

23 (c) in the conduct of a motor vehicle sales promotion in affiliation with a person regularly engaged in a
24 bona fide vehicle rental business if the purpose of the sale is to dispose of used motor vehicles used in the rental
25 business.

26 (2) This part does not require licensure of an auctioneer whose business consists primarily of the sale
27 of personal property other than motor vehicles.

28 (3) This part does not require licensure of a licensed real estate broker or agent lawfully buying, selling,
29 exchanging, taking on consignment, or acting as a broker of mobile homes.

30 (4) This part does not apply to the sale of a utility vehicle by a dealer of farm implements as defined in

1 30-11-801."

2

3 **Section 27.** Section 61-4-131, MCA, is amended to read:

4 **"61-4-131. Definitions.** As used in this part, the following definitions apply:

5 (1) "Broker" means a person:

6 (a) who engages in the business of offering to procure or procuring a motor vehicle, a trailer, a
7 semitrailer, a pole trailer, a travel trailer, a motorboat, a personal watercraft, a snowmobile, or an off-highway
8 vehicle on behalf of another; or

9 (b) who represents to the public through solicitation, advertisement, or otherwise that the person is one
10 who offers to procure or procures a motor vehicle, a trailer, a semitrailer, a pole trailer, a travel trailer, a
11 motorboat, a personal watercraft, a snowmobile, or an off-highway vehicle by negotiating purchases, contracts,
12 sales, or exchanges on behalf of another and who does not store, display, or take ownership of a motor vehicle,
13 a trailer, a semitrailer, a pole trailer, a travel trailer, a motorboat, a personal watercraft, a snowmobile, or an
14 off-highway vehicle.

15 (2) (a) "Dealer", except as provided in subsection (2)(b), includes a new dealer or a used dealer licensed
16 under this part.

17 (b) For purposes of 61-4-132 through 61-4-135, 61-4-137, 61-4-141, and 61-4-150, the term is limited
18 to a new motor vehicle dealer as defined in 61-4-201.

19 (3) (a) "Designated family member" means the spouse, child, grandchild, parent, brother, or sister of a
20 new motor vehicle dealer, as defined in 61-4-201, who:

21 (i) in the case of a deceased dealer:

22 (A) is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's
23 will or under the laws of intestate succession of this state; or

24 (B) has otherwise been designated in writing by a deceased dealer to succeed the deceased in the motor
25 vehicle dealership; or

26 (ii) in the case of an incapacitated dealer, has been appointed by a court as the legal representative of
27 the dealer's property.

28 (b) The term includes the appointed and qualified personal representative and the testamentary trustee
29 of a deceased dealer.

30 (4) (a) "Established place of business" means the geographic location upon which a permanent building

1 is located that is actually occupied either continuously or at regular periods by a person licensed under this part.
 2 A building is actually occupied if the licensee's books and records are kept in the building and, except for
 3 approved off-premises sales, the licensee's business is transacted within the building.

4 (b) A licensee's established place of business may also include the geographic location of one or more
 5 physical lots upon which vehicles are displayed for sale, as long as the requirements of 61-4-101(5)(e) regulating
 6 the distance between display lots and the recordkeeping building are met.

7 (c) The geographic location of the permanent building actually occupied by the licensee or the
 8 geographic location of the physical lots upon which vehicles are displayed for sale may be identified by street
 9 address, legal description, or other reasonably identifiable description, as prescribed by the department.

10 (5) "New", when describing a motor vehicle, power sports vehicle, or trailer, means that the motor
 11 vehicle, power sports vehicle, or trailer has not been the subject of a retail sale.

12 (6) "Parking", when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than
 13 temporarily for the purpose of and while actually engaged in loading or unloading.

14 (7) (a) "Power sports vehicle" includes a motorboat, a personal watercraft, a snowmobile, or an
 15 off-highway vehicle.

16 (b) A motorcycle, ~~or~~ quadricycle, or utility vehicle must be treated as an off-highway vehicle if the
 17 motorcycle, ~~or~~ quadricycle, or utility vehicle is not originally equipped for use on a highway.

18 (c) A sailboat that is 12 feet in length or longer is treated as a motorboat.

19 (8) (a) "Trailer" has the meaning provided in 61-1-101, but does not include a trailer that has an unloaded
 20 weight of less than 500 pounds.

21 (b) A travel trailer, semitrailer, or pole trailer is treated as a trailer under this part.

22 (9) "Used", when describing a motor vehicle, power sports vehicle, or trailer, means that title to the motor
 23 vehicle, power sports vehicle, or trailer has been transferred because of a prior retail sale."

24

25 **Section 28.** Section 61-6-303, MCA, is amended to read:

26 **"61-6-303. Exempt vehicles.** The following vehicles and their drivers are exempt from the provisions
 27 of 61-6-301:

28 (1) a vehicle owned by the United States government or any state or political subdivision;

29 (2) a vehicle for which cash, securities, or a bond has been deposited or filed with the department upon
 30 terms and conditions providing the same benefits available under a required motor vehicle liability insurance

1 policy;

2 (3) a vehicle owned by a self-insurer certified as provided in 61-6-143;

3 (4) an implement of husbandry or special mobile equipment that is only incidentally operated on a
4 highway or property open to use by the public;

5 (5) a vehicle operated upon a highway only for the purpose of crossing the highway from one property
6 to another;

7 (6) a commercial vehicle registered or proportionally registered in this and any other jurisdiction if the
8 vehicle is covered by a motor vehicle liability insurance policy complying with the laws of another jurisdiction in
9 which it is registered;

10 (7) a motorcycle, ~~or~~ quadricycle, or utility vehicle;

11 (8) a vehicle moved solely by human or animal power;

12 (9) a vehicle owned by a nonresident if it is currently registered in the owner's resident jurisdiction and
13 the owner is in compliance with the motor vehicle liability insurance requirements, if any, of that jurisdiction."
14

15 **Section 29.** Section 61-8-359, MCA, is amended to read:

16 **"61-8-359. ~~Riding on~~ Operating motorcycles, or quadricycles, or utility vehicles.** (1) A person
17 operating a motorcycle or quadricycle on public streets or highways may ride only upon the permanent and
18 regular seat attached to the motorcycle or quadricycle. The operator may not carry any other person and another
19 person may not ride on a motorcycle or quadricycle unless the motorcycle or quadricycle is designed to carry
20 more than one person, in which event a passenger may ride upon the permanent and regular seat if designed
21 for two persons or upon another seat firmly attached to the rear or side of the operator.

22 (2) A passenger may not be carried in a position that will interfere with the operation of the motorcycle
23 or quadricycle or the view of the operator.

24 (3) A person operating a motorcycle or quadricycle may not carry any packages, bundles, or articles that
25 would prevent the operator from keeping both hands on the handlebars or that would interfere with the operation
26 of the vehicle in a safe and prudent manner.

27 (4) A person may ride upon a motorcycle or quadricycle only while sitting astride the seat, facing forward,
28 with one leg on each side of the motorcycle or quadricycle.

29 (5) Except as provided in subsections (5)(a) and (5)(b), motorcycles, and quadricycles and utility vehicles
30 must be operated with lights on at all times when operated on any public roadway. A motorcycle, ~~or~~ quadricycle,

1 or utility vehicle may be operated without lights from one-half hour before sunrise to one-half hour after sunset
2 if:

3 (a) the motorcycle is registered under 61-3-411 as a collector's item and if persons and vehicles are
4 clearly discernible at a distance of 500 feet; or

5 (b) the motorcycle, ~~or~~ quadricycle, or utility vehicle is being driven to the nearest repair facility for
6 headlamp repair.

7 (6) No more than two motorcycles may be operated side by side in a single traffic lane.

8 (7) All motor vehicles, including motorcycles, ~~and~~ quadricycles, and utility vehicles, are entitled to the
9 full use of a traffic lane, and a vehicle may not be driven or operated in a manner that deprives any other vehicle
10 of the full use of a traffic lane, except that motorcycles may, with the consent of both drivers, be operated no more
11 than two abreast in a single traffic lane.

12 (8) Every person riding a motorcycle, ~~or~~ quadricycle, or utility vehicle upon a roadway is granted all of
13 the rights and is subject to all of the duties applicable to the driver of a motor vehicle except for those provisions
14 which, by their nature, can have no application."
15

16 **Section 30.** Section 61-9-203, MCA, is amended to read:

17 **"61-9-203. Headlamps on motor vehicles.** (1) A motor vehicle other than a motorcycle, quadricycle,
18 utility vehicle, or motor-driven cycle must be equipped with at least two headlamps, with at least one on each side
19 of the front of the motor vehicle, that comply with the requirements and limitations set forth in this chapter.

20 (2) A motorcycle, quadricycle, utility vehicle, or motor-driven cycle must be equipped with at least one
21 and not more than two headlamps that comply with the requirements and limitations of this chapter. If a
22 motorcycle is registered under 61-3-411 as a collector's item, it need not be equipped with headlamps; however,
23 if it is not equipped with headlamps, it may not be operated upon a highway or street from one-half hour after
24 sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of 500
25 feet. A motorcycle may be equipped with a means of modulating the high beam of its headlamps between high
26 and low beam at a rate of 200 to 280 flashes a minute; however, an operator may not modulate the headlamps
27 at that rate during periods when headlamps are required to be lighted by 61-9-201.

28 (3) A headlamp upon a motor vehicle, including a motorcycle, quadricycle, utility vehicle, and
29 motor-driven cycle, must be located at a height, measured from the center of the headlamp, of not more than 54
30 inches or less than 22 inches, to be measured as provided in 61-9-202(2).

1 (4) When headlamps are required to be lighted by 61-9-201, a person may not operate a motor vehicle
2 on a highway with headlamps that are composed of, covered by, or treated with a tinted or colored material,
3 substance, system, or component that obscures the headlamps or diminishes the distance of visibility required
4 by this section.

5 (5) This section does not prohibit the operation or sale of a motor vehicle the headlamps of which are
6 composed of, covered by, or treated with a tinted or colored material, substance, system, or component with
7 which the vehicle was sold or could have been equipped for sale when new as standard or optional equipment
8 in compliance with federal statute or regulation governing the sale at the time of manufacture."
9

10 **Section 31.** Section 61-9-206, MCA, is amended to read:

11 **"61-9-206. Stop lamps -- when required.** (1) A person may not sell a new motor vehicle in this state
12 or drive a vehicle on the highways unless it is equipped with at least two properly functioning stop lamps. A
13 vehicle manufactured before January 1, 1956, and all motorcycles, quadricycles, utility vehicles, and motor-driven
14 cycles must be equipped with at least one properly functioning stop lamp.

15 (2) The stop lamp or lamps on the rear of a vehicle must display a red light that is actuated upon
16 application of the service (foot) brake and, in a vehicle manufactured or assembled on or after January 1, 1964,
17 must be visible from a distance of not less than 300 feet to the rear in normal sunlight. In a vehicle manufactured
18 or assembled before January 1, 1964, the stop lamp or lamps must be visible from a distance of not less than
19 100 feet. The stop lamp may be incorporated with one or more other rear lamps.

20 (3) A stop lamp may not project a glaring light."
21

22 **Section 32.** Section 61-9-220, MCA, is amended to read:

23 **"61-9-220. Multiple-beam road-lighting equipment.** Except as provided in this part, the headlamps
24 or the auxiliary driving lamps or combination of both on a motor vehicle other than a motorcycle, quadricycle,
25 utility vehicle, motor-driven cycle, or low-speed electric vehicle, must be arranged so that the driver may select
26 between distributions of light projected to different elevations. The selection can be made automatically, subject
27 to the following limitations:

28 (1) There must be an uppermost distribution of light, or composite beam, capable of revealing persons
29 and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

30 (2) There must be a lowermost distribution of light, or composite beam, capable of revealing persons and

1 vehicles at a distance of at least 100 feet ahead. On a straight level road under any condition of loading the
 2 high-intensity portion of the beam may not be directed to strike the eyes of an approaching driver.

3 (3) A motor vehicle, other than a motorcycle, quadricycle, utility vehicle, motor-driven cycle, or low-speed
 4 electric vehicle, manufactured after January 1, 1956, that has multiple-beam road-lighting equipment must be
 5 equipped with a beam indicator that must be lighted whenever the uppermost distribution of light from the
 6 headlamps is in use, and may not otherwise be lighted. The indicator must be readily visible without glare to the
 7 driver of the vehicle."

8

9 **Section 33.** Section 61-9-303, MCA, is amended to read:

10 **"61-9-303. Parking brakes -- adequacy.** ~~Every such~~ A vehicle ~~and or~~ combination of vehicles, except
 11 motorcycles, quadricycles, utility vehicles, and motor-driven cycles, ~~shall~~ must be equipped with parking brakes
 12 adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface
 13 free from snow, ice, or loose material. The parking brakes ~~shall~~ must be capable of being applied in conformance
 14 with the ~~foregoing~~ requirements of this section by the driver's muscular effort or by spring action or ~~by~~ equivalent
 15 means. Their operation may be assisted by the service brakes or other source of power, provided that failure of
 16 the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from
 17 being applied in conformance with the ~~foregoing~~ requirements of this section. The parking brakes ~~shall~~ must be
 18 ~~so~~ designed so that when once applied they ~~shall~~ remain applied with the required effectiveness despite
 19 exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining
 20 assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the
 21 wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying
 22 the parking brakes and the service brakes are connected in any way, they ~~shall~~ must be ~~so~~ constructed so that
 23 failure of any one part ~~shall~~ does not leave the vehicle without operative brakes."

24

25 **Section 34.** Section 61-9-304, MCA, is amended to read:

26 **"61-9-304. Brakes required on all wheels -- exceptions.** Every vehicle must be equipped with brakes
 27 acting on all wheels except:

28 (1) trailers, semitrailers, pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

29 (a) the total weight on and including the wheels of the trailer or trailers may not exceed 40% of the gross
 30 weight of the towing vehicle when connected to the trailer or trailers; and

1 (b) the combination of vehicles consisting of the towing vehicle and its total towed load is capable of
2 complying with the performance requirements of 61-9-312;

3 (2) any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles
4 is capable of complying with the performance requirements of 61-9-312;

5 (3) trucks and truck tractors having three or more axles need not have brakes on the front wheels, if the
6 vehicle was manufactured before July 25, 1980. However, the trucks and truck tractors must be capable of
7 complying with the performance requirements of 61-9-312.

8 (4) special mobile equipment;

9 (5) the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a
10 motor-driven cycle need not be equipped with brakes. However, a quadricycle, motorcycle, utility vehicle, or
11 motor-driven cycle must be capable of complying with the performance requirements of 61-9-312."
12

13 **Section 35.** Section 61-9-312, MCA, is amended to read:

14 **"61-9-312. Performance ability of brakes.** On a dry, hard, approximately level stretch of highway free
15 from loose material, a motor vehicle or combination of vehicles, upon application of the service brake, must be
16 capable of stopping at a speed of 20 miles an hour within the following distances:

17 (1) 25 feet for passenger motor vehicles, except buses and pioneer vehicles;

18 (2) 40 feet for buses, trucks, and tractor trucks;

19 (3) 45 feet for motor vehicles registered or qualified to be registered as pioneer vehicles under
20 61-3-411(2)(a) when equipped with two-wheel brakes or 25 feet when equipped with four-wheel brakes;

21 (4) 40 feet for all combinations of vehicles; and

22 (5) 30 feet for motorcycles, quadricycles, utility vehicles, and motor-driven cycles."
23

24 **Section 36.** Section 61-9-417, MCA, is amended to read:

25 **"61-9-417. Headgear required for minor motorcycle, quadricycle, and utility vehicle riders.** (1) An
26 operator ~~and passenger under 18 years of age~~ of a motorcycle, or quadricycle, or utility vehicle operated upon
27 the streets or highways of this state who is under 18 years of age or a passenger who is under 18 years of age
28 shall wear protective headgear upon the head. The headgear must meet standards established by the department
29 of justice.

30 (2) A person may not operate a motorcycle upon a street or highway in of the state unless all passengers

1 under 18 years of age are in compliance with subsection (1)."

2

3 **Section 37.** Section 61-9-418, MCA, is amended to read:

4 **"61-9-418. Motorcycle, and quadricycle, and utility vehicle noise suppression devices --**

5 ~~motorcycle and quadricycle spark arrester.~~ (1) All motorcycles, or quadricycles, or utility vehicles operated

6 on the streets and highways of this state must be equipped at all times with noise suppression devices, including

7 an exhaust muffler, in good working order and in constant operation. In addition, all motorcycles, ~~and~~

8 quadricycles, and utility vehicles, operating on streets and highways must meet the following noise decibel

9 limitations, on the standard A scale, to be measured at 50 feet from the closest point to the motorcycle, ~~or~~

10 quadricycle, or utility vehicle:

11 (a) any cycle or utility vehicle manufactured prior to 1970.....92 db(A)

12 (b) any cycle or utility vehicle manufactured after 1969 but prior to 1973.....88 db(A)

13 (c) any cycle or utility vehicle manufactured after 1972 but prior to 1975.....86 db(A)

14 (d) any cycle or utility vehicle manufactured after 1974 but prior to 1978.....80 db(A)

15 (e) any cycle or utility vehicle manufactured after 1977 but prior to 1988.....75 db(A)

16 (f) any cycle or utility vehicle manufactured after 1987.....70 db(A)

17 (2) (a) Except as provided in subsection (2)(b), a motorcycle, ~~or~~ quadricycle, or utility vehicle may be

18 operated off of a highway on public lands only if the motorcycle's, ~~or~~ quadricycle's, or utility vehicle's noise

19 emissions do not exceed 96 db(A), using test procedures established by the society of automotive engineers

20 under standard J-1287.

21 (b) The noise limitations in subsection (2)(a) do not apply to motorcycles, ~~or~~ quadricycles, or utility

22 vehicles that are operated for special events permitted on closed courses by a state entity or local government.

23 (c) A motorcycle, ~~or~~ quadricycle, or utility vehicle may not be operated off of a highway unless it is

24 equipped with an adequate spark arrester to prevent the escape of sparks or other burning material from the

25 motorcycle's, ~~or~~ quadricycle's, or utility vehicle's engine."

26

27 **Section 38.** Section 61-9-421, MCA, is amended to read:

28 **"61-9-421. Certain vehicles exempt.** Section 61-9-420 is not applicable to a vehicle that:

29 (1) is a motorbus, schoolbus, taxicab, moped, quadricycle, utility vehicle, or motorcycle or is not required

30 to be equipped with safety belts under 49 CFR 571 as it reads on January 1, 1984; or

1 (2) has a seating capacity as designated by the manufacturer of two persons and there are two persons
2 4 years of age or older in the vehicle."

3

4 **Section 39.** Section 61-9-435, MCA, is amended to read:

5 **"61-9-435. Exhaust noise limitation.** (1) Except as provided in subsection (3), a person may not
6 operate a motor vehicle with an exhaust system that emits a noise in excess of 95 decibels, as measured by the
7 society of automotive engineers' standard j1169 (May 1998).

8 (2) A person charged with violating this section may not be convicted if the person had reasonable
9 grounds to believe that the vehicle was not operated in violation of the standard in subsection (1).

10 (3) This section does not apply to a motorcycle, ~~or~~ quadricycle, or utility vehicle that is subject to
11 61-9-418."

12

13 **Section 40.** Section 61-13-103, MCA, is amended to read:

14 **"61-13-103. Seatbelt use required -- exceptions.** (1) A driver may not operate a motor vehicle upon
15 a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly
16 adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

17 (2) The provisions of this section do not apply to:

18 (a) an occupant of a motor vehicle who possesses a written statement from a licensed physician,
19 licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, that the occupant
20 is unable to wear a seatbelt for medical reasons;

21 (b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

22 (c) an operator of a motorcycle, quadricycle, utility vehicle, or a motor-driven cycle;

23 (d) an occupant of a vehicle licensed as special mobile equipment; or

24 (e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may
25 be exempted by the department.

26 (3) The department may adopt rules to implement subsection (2)(e).

27 (4) The department or its agent may not require a driver who may be in violation of this section to stop
28 except:

29 (a) upon reasonable cause to believe that the driver has violated another traffic regulation or that the
30 driver's vehicle is unsafe or not equipped as required by law; or

1 (b) if a person in the vehicle who is under 6 years of age and weighs less than 60 pounds is not properly
2 restrained under 61-9-420 or this section."

3

4 NEW SECTION. **Section 41. Effective date.** [This act] is effective January 1, 2014.

5

- END -