

HOUSE BILL NO. 144

INTRODUCED BY Z. BROWN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MOTOR VEHICLE LAWS; REVISING
6 DRIVER'S LICENSE REQUIREMENTS AND DEALER LICENSE REQUIREMENTS; REVISING ISSUANCE OF
7 DISABILITY PLACARDS AND REQUIRING THE DEPARTMENT OF JUSTICE TO ADOPT RULES RELATING
8 TO ISSUANCE OF DISABILITY PLACARDS; REQUIRING STAGGERED TERMS FOR MOTOR VEHICLE
9 DEALER LICENSES; REVISING DRIVER RECORDS AND DRIVER'S LICENSE SUSPENSION AND
10 REVOCATION LAWS; REQUIRING THE DEPARTMENT OF JUSTICE TO ADOPT RULES GOVERNING THE
11 DESTRUCTION OF DRIVER RECORDS; PROVIDING FOR LEARNER LICENSES AND REPLACING CERTAIN
12 PERMITS WITH LEARNER LICENSES; REVISING REQUIREMENTS FOR OPERATING A VEHICLE OVER
13 RAILROAD CROSSINGS; CLARIFYING PENALTIES FOR CERTAIN COMMERCIAL MOTOR VEHICLE
14 VIOLATIONS; ALLOWING USE OF CERTAIN PREVIOUS DUI CONVICTIONS FOR DRIVER'S LICENSE
15 SUSPENSION PURPOSES; REVISING TESTING FOR A CHARGE OF AGGRAVATED DUI; REVISING
16 DEFINITIONS FOR CERTAIN MOTOR VEHICLES; IMPOSING A FEE FOR ISSUANCE OF A DECAL FOR
17 CERTAIN OUT-OF-STATE VEHICLES REGISTERED IN MONTANA AND PROVIDING FOR DISPOSITION OF
18 THE FEE; CLARIFYING CERTAIN MOTOR VEHICLE WEIGHT LIMITS; PROVIDING RULEMAKING
19 AUTHORITY; AMENDING SECTIONS 49-4-304, 61-1-101, 61-3-203, 61-3-303, 61-3-321, 61-3-701, 61-4-101,
20 61-4-120, 61-4-124, 61-4-125, 61-4-127, 61-4-128, 61-4-131, 61-5-106, 61-5-107, 61-5-108, 61-5-111, 61-5-114,
21 61-5-122, 61-5-125, 61-5-132, 61-5-206, 61-5-208, 61-6-158, 61-8-347, 61-8-465, 61-8-812, 61-11-102, AND
22 61-11-204, MCA; AND PROVIDING EFFECTIVE DATES."

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
25

26 **Section 1.** Section 49-4-304, MCA, is amended to read:

27 **"49-4-304. Special license plate or card placard to be provided and displayed -- additional cards**
28 **placards allowed for owners of more than one vehicle -- rulemaking required.** (1) Except as authorized in
29 49-4-303, unless the department of justice issued a special license plate under 61-3-332(9) or 61-3-458(4)(b) or
30 (4)(i) indicating a special parking privilege, the department shall provide a card placard to be displayed on or in

1 a motor vehicle to indicate a parking privilege granted under this part. The special license plate must be affixed
 2 to the vehicle according to 61-3-301, or the ~~card~~ placard must be prominently displayed in the windshield of a
 3 vehicle when the parking privilege is being used by the person with a disability in a vehicle other than the one to
 4 which a special license plate is affixed.

5 (2) Subject to the provisions of 49-4-301 through 49-4-305, a person who is eligible to receive a special
 6 parking permit ~~and who owns more than one motor vehicle may request and the department of justice shall~~
 7 ~~provide additional cards described in subsection (1) to equal the number of motor vehicles, other than commercial~~
 8 ~~vehicles, owned by the person may request one or two placards~~ APPLY TO THE DEPARTMENT FOR ONE OR MORE
 9 PLACARDS.

10 (3) THE DEPARTMENT SHALL ISSUE UP TO TWO PLACARDS TO ELIGIBLE INDIVIDUALS AND MAY ISSUE ADDITIONAL
 11 PLACARDS. The department shall adopt rules to determine the process for an individual to request additional
 12 placards.

13 ~~(3)(4)~~ (4) Upon application under 49-4-301, a person with a disability who does not hold a driver's license
 14 or does not own a vehicle may receive a ~~card described in subsection (1)~~ placard to be displayed in a vehicle in
 15 which the person with a disability is being conveyed when the parking privilege is being used.

16 ~~(4)(5)~~ (5) The ~~card~~ placard must bear a representation of a wheelchair as the symbol of a person with a
 17 disability."

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19 **Section 2.** Section 61-1-101, MCA, is amended to read:

20 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
 21 definitions apply:

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

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

30 (2) "Authorized agent agreement" means the written agreement executed between an authorized agent

1 and the department that sets the technical and operational program standards, compliance criteria, payment
2 options, and service expectations by which the authorized agent is required to operate in performing specific
3 motor vehicle or driver-related record functions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (13) "Customer identification number" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (a) an individual establishes residence;

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

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

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

12 (19) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as
13 maintained by the department on the individual Montana driving record and the CDLIS driver record for that
14 person.

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

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

18 (a) any temporary license or ~~instruction permit~~ learner license;

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

20 (c) any nonresident's driving privilege;

21 (d) a motorcycle endorsement; or

22 (e) a commercial driver's license.

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

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

29 (24) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or
30 persons and golf equipment and that has an average speed of less than 15 miles per hour.

1 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability
2 insurance requirements under this title.

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

5 (26) "Hazardous material" means:

6 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be
7 placarded under 49 CFR, part 172; or

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

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

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

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

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

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

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

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

22 (32) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported,
23 that:

24 (a) has four wheels;

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

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

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

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

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

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

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

6 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

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

8 (39) "Montana resident" means:

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

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

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

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

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

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

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

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

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

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

29 (43) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces
30 5 horsepower or less.

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

3 (44) "Motor home" means a motor vehicle:

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

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

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

9 (i) cooking, refrigeration, or icebox;

10 (ii) self-contained toilet;

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

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

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

14 (45) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be transported,
15 that:

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

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

18 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
19 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

22 (c) The term does not include a moped as defined in 61-8-102, an electric personal assistive mobility
23 device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for
24 use by a physically disabled person.

25 (46) (a) "Motor vehicle" means:

26 (i) a vehicle propelled by its own power and designed or used to transport persons or property on the
27 highways of the state;

28 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or

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

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

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

8 (48) "Nonresident" means a person who is not a Montana resident.

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

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

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

18 (b) The term does not include:

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

20 (ii) snowmobiles; or

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

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

24 (52) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
25 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
26 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
27 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
28 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
29 person in whom is vested the right of possession or control.

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

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

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

8 (56) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
9 violations of traffic regulations.

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

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

13 (58) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
14 stationary rails.

15 (59) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
16 coupled to the engine, that is operated on rails.

17 (b) The term does not include streetcars.

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

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

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

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

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

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

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

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

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

14 (68) "School zone" means an area near a school beginning at the school's front door, encompassing the
15 campus and school property, and including the streets directly adjacent to the school property and for as many
16 blocks surrounding the school as determined by the local authority establishing a special speed limit under
17 61-8-310(1)(d).

18 (69) "Sell" means to transfer ownership from one person to another person or from a dealer to another
19 person for consideration.

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

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

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

- 1 (73) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:
- 2 (i) was not originally constructed under a distinctive make, model, or type by a generally recognized
- 3 manufacturer of motor vehicles;
- 4 (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from
- 5 a generally recognized manufacturer of motor vehicles;
- 6 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from
- 7 other vehicles;
- 8 (iv) has been constructed or assembled by using major component parts from one or more manufactured
- 9 vehicles and that cannot be identified as a specific make or model; or
- 10 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.
- 11 (b) The term does not include a motor vehicle that has been repaired or restored to its original design
- 12 by replacing parts.
- 13 (74) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is
- 14 constructed on a truck chassis or that has special features for occasional off-road use.
- 15 (b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.
- 16 (75) (a) "Stop", when required, means complete cessation from movement.
- 17 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,
- 18 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the
- 19 directions of a police officer, highway patrol officer, or traffic control sign or signal.
- 20 (76) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
- 21 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
- 22 space at the dealer's established place of business is not available.
- 23 (77) "Street" means the entire width between the boundary lines of every publicly maintained way when
- 24 any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.
- 25 (78) "Street rod" means a motor vehicle, other than a motorcycle, that:
- 26 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,
- 27 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and
- 28 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal
- 29 materials.
- 30 (79) "Suspension" means the temporary withdrawal by action of the department of a person's driver's

1 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's
2 license for a period of time designated by law.

3 (80) "Temporary registration permit" means a paper record:

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

7 (i) required vehicle and owner information; and

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

9 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
10 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
11 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record
12 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

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

15 (82) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
16 carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests on
17 the towing vehicle.

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

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

24 (84) "Travel trailer" means a vehicle:

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

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

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

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

30 (85) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the

1 transportation of property.

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

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

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

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

11 (90) (a) "Vehicle" means a device in, on, or by which any person or property may be transported or drawn
12 on a public highway, except devices moved by animal power or used exclusively on stationary rails or tracks.

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

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

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

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

25

26 **Section 3.** Section 61-3-203, MCA, is amended to read:

27 **"61-3-203. Fee for original certificate of title -- disposition.** (1) Until June 30, 2026, a person applying
28 for a certificate of title shall pay the department, its authorized agent, or a county treasurer a fee of:

29 (a) \$10 if the vehicle for which a certificate of title is sought is not a light vehicle or a truck or bus that
30 weighs ~~less than~~ less than 1 ton or less; or

1 (b) \$12 if the vehicle for which application is made is a light vehicle or a truck or bus that weighs ~~less~~
2 ~~than 1 ton or less.~~

3 (2) The amount of \$5 of the fee imposed pursuant to subsection (1) must be forwarded to the department
4 for deposit in the motor vehicle information technology system account provided for in 61-3-550, and the
5 remaining amount must be deposited in the state general fund.

6 (3) Beginning July 1, 2026, the fee imposed in subsection (1)(a) is \$5 and the fee imposed in subsection
7 (1)(b) is \$7 and all fees paid pursuant to this section must be deposited in the state general fund."

8

9 **Section 4.** Section 61-3-303, MCA, is amended to read:

10 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana
11 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways
12 of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the owner is
13 domiciled. A nonresident who has an interest in real property in Montana may register in the county where the
14 real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public
15 highways of this state.

16 (2) Except as provided in subsection (3), the county treasurer or an authorized agent shall register any
17 vehicle for which:

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

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

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

29 (b) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole
30 trailer for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a

1 previously assigned certificate of title. The new owner may submit an application for certificate of title, subject to
2 the registration renewal limitations of 61-3-312.

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

5 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
6 61-3-101;

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

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

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

10 and

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

12 (5) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county
13 treasurer or an authorized agent:

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

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

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

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

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

20 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
21 61-3-321 and 61-3-529; or

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

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

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

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

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

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

10 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or
11 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer
12 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the
13 travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who
14 registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel
15 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is
16 transferred or unless it was registered under 61-3-701.

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

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

25 (11) The department, an authorized agent of the department, or a county treasurer shall use the online
26 motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has
27 complied with the requirements of 61-6-301."
28

29 **Section 5.** Section 61-3-321, MCA, is amended to read:

30 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**

1 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
 2 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
 3 semitrailers, and pole trailers as provided in subsections (2) through (20).

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

- 7 (a) if the vehicle is 4 or less years old, \$217;
 8 (b) if the vehicle is 5 through 10 years old, \$87; and
 9 (c) if the vehicle is 11 or more years old, \$28.

10 (3) (a) Except as provided in subsection (15), the one-time registration fee based on the declared weight
 11 of a trailer, semitrailer, or pole trailer is as follows:

- 12 ~~(a)(i)~~ if the declared weight is less than 6,000 pounds, \$61.25; or
 13 ~~(b)(ii)~~ if the declared weight is 6,000 pounds or more, \$148.25.

14 (b) If a trailer, semitrailer, or pole trailer is registered under 61-3-701, the fees required in subsection
 15 (3)(a) must be paid annually.

16 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
 17 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

- 18 (a) 2,850 pounds and over, \$10; and
 19 (b) under 2,850 pounds, \$5.

20 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
 21 than a quadricycle or motorcycle is \$61.25.

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

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

- 24 (i) less than 2 years old, \$282.50;
 25 (ii) 2 years old and less than 5 years old, \$224.25;
 26 (iii) 5 years old and less than 8 years old, \$132.50; and
 27 (iv) 8 years old and older, \$97.50.

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

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

1 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
2 deposited in the account established under 61-6-158;

3 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

4 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
5 license plate under 61-3-465.

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

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

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

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

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

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

17 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
18 \$65.50;

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

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

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

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

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

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

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

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

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

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

6 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
7 standard license plates, a new single standard license plate, or a replacement set of special license plates
8 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
9 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
10 paid if the vehicle to which the plates are transferred is not currently registered.

11 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
12 number from license plates issued before January 1, 2010, when replacement of those plates is required under
13 61-3-332(3).

14 (c) The fees imposed in this subsection (13) must be deposited in the account established under
15 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

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

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

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

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

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

1 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
2 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
3 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
4 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
5 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing
6 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

7 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
8 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
9 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
10 be collected.

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

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

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

21 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
22 61-3-721."

23

24 **Section 6.** Section 61-3-701, MCA, is amended to read:

25 **"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity -- decal**
26 **fee.** (1) A person may not operate a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another
27 jurisdiction on the highways of this state if the vehicle is used for hire, compensation, or profit or if the person is
28 engaged in gainful occupation or business enterprise in the state, including highway work, unless the motor
29 vehicle, trailer, semitrailer, or pole trailer is registered at the office of a county treasurer or an authorized agent
30 of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's

1 authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by
 2 61-3-321, 61-3-529, or 61-3-537, the treasurer or authorized agent shall enter the vehicle for registration
 3 purposes only on the electronic registry maintained by the department under 61-3-101. One-fourth of the annual
 4 fees or taxes due on the motor vehicle, trailer, semitrailer, or pole trailer subject to registration under this section
 5 must be paid for each calendar quarter or portion of a calendar quarter for the year that the vehicle will be located
 6 or operated in Montana.

7 (2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue
 8 to the owner of the motor vehicle, trailer, semitrailer, or pole trailer a registration receipt and a registration decal
 9 indicating the calendar quarter and year for which the motor vehicle, trailer, semitrailer, or pole trailer is
 10 registered. The registration decal must at all times be displayed ~~upon~~ on the rear of the motor vehicle, trailer,
 11 semitrailer, or pole trailer when operated or driven upon roads and highways of this state during the registration
 12 period indicated on the receipt and may not be obstructed from plain view.

13 (3) The registration receipt does not constitute evidence of ownership but may be used only for
 14 registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or
 15 pole trailer registered under this section.

16 (4) This section is not applicable to :

17 (A) a motor vehicle covered by a valid and existing reciprocal agreement or declaration entered into
 18 under Montana law; OR

19 (B) A MOTOR VEHICLE THAT IS:

20 (I) REGISTERED IN ANOTHER JURISDICTION BY AN INSURANCE COMPANY LICENSED TO CONDUCT BUSINESS IN THIS
 21 STATE;

22 (II) BEING USED BY AN EMPLOYEE OF THE INSURANCE COMPANY TO ASSIST RESIDENTS OF THIS STATE WITH
 23 INSURANCE CLAIMS; AND

24 (III) OPERATED ON THE HIGHWAYS OF THIS STATE FOR NO MORE THAN 90 CONSECUTIVE DAYS.

25 (5) In addition to the fees and taxes required for registration, a fee of \$10 must be collected when a decal
 26 required under subsection (2) is issued. For each \$10 fee collected, \$8 must be deposited in the account
 27 established under 61-6-158 and \$2 must be deposited in the general fund."

28

29 **Section 7.** Section 61-4-101, MCA, is amended to read:

30 **"61-4-101. Types of licenses and terms -- common application -- bonds -- zoning.** (1) Except as

1 provided in 61-4-120 and 61-4-125, a person may not engage in the business of buying, selling, exchanging,
2 accepting on consignment, or acting as a broker of a motor vehicle, trailer, travel trailer, semitrailer, pole trailer,
3 motorcycle, quadricycle, motorboat, personal watercraft, snowmobile, off-highway vehicle, or special mobile
4 equipment that is not registered in the person's name unless the person is the holder of a license issued by the
5 department under this part.

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

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

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

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

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

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

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

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

25 (3) Dealer license expiration dates must be staggered throughout the year.

26 ~~(3)~~(4) Subject to the provisions of 61-4-120, 61-4-124, and 61-4-125, a license issued by the department
27 is valid until:

28 (a) voluntarily returned to the department for surrender and cancellation upon the cessation of the
29 licensee's business operations; or

30 (b) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor

1 vehicles, power sports vehicles, or trailers.

2 ~~(4)~~(5) (a) An applicant for a new dealer's license, a used dealer's license, a broker's license, an auto
3 auction license, or a wholesaler license shall submit a written application to the department. The application must
4 be signed by the applicant and contain a verification by the applicant, under penalty of law, that the information
5 contained in the application is true and correct. Any information provided in the license application process is
6 subject to independent verification by the department or an authorized representative of the department.

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

- 12 (i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;
13 (ii) poses a threat to the public interest of the state; or
14 (iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed
15 dealership, wholesaler, or auto auction.

16 ~~(5)~~(6) To be qualified for licensure, an applicant shall provide to the department the following information:

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

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

- 20 (i) possesses or will possess an ownership interest in the business for which the license is sought;
21 (ii) is a corporate officer or the managing member of a business entity applying for the license; or
22 (iii) is or will be designated by the applicant to manage or oversee the applicant's business;

23 (c) for each person subject to the provisions of subsection ~~(5)(b)~~ (6)(b), information concerning whether
24 the person has:

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

27 (ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall
28 provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court
29 proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

30 (d) the name, address, and telephone number of the insurance carrier from whom the applicant has

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

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

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

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

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

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

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

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

30 ~~(6)~~(7) If an applicant wants to maintain more than one established place of business, the applicant shall

1 file a separate license application for each proposed place of business and otherwise qualify for licensure at each
2 place separately.

3 ~~(7)~~(8) Each application under this section must be accompanied by the following fees:

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

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

6 ~~(8)~~(9) (a) Except as provided in subsection ~~(8)(b)~~ (9)(b), an applicant for a dealer's license, broker's
7 license, wholesaler's license, or auto auction license shall also file with the application a bond of \$50,000.

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

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

15

16 **Section 8.** Section 61-4-120, MCA, is amended to read:

17 **"61-4-120. Auto auction -- restrictions -- annual report -- issuance, use, and fees for demonstrator**
18 **plates.** (1) (a) An auto auction may not sell used motor vehicles by retail sale.

19 (b) An auto auction licensed under this part may auction a new motor vehicle only if the auto auction is
20 authorized by a new motor vehicle manufacturer, importer, distributor, or representative, for the purpose of
21 conducting a closed-factory fleet sale to dispose of new motor vehicles by the franchisor (manufacturer,
22 distributor, or importer) to franchisee purchasers when the purchasers are licensed new motor vehicle dealers
23 purchasing new motor vehicle line-makes authorized by their respective franchise, sales, or distributor
24 agreements. An auto auction licensed under the provisions of this section shall notify and update the department
25 with current fleet sale agreements between the auto auction and franchisor. An auto auction may not conduct a
26 factory fleet sale unless authorized or appointed by a franchisor licensed under part 2 of this chapter.

27 (2) On or before ~~December 31 of each year~~ the 15th day of the month prior to the dealer license
28 expiration month, an auto auction shall submit an annual report, in a form or manner prescribed by the
29 department, to the department to advise the department of any changes that may have occurred in that calendar
30 year affecting the information originally filed under 61-4-101. The report must contain information concerning

1 owner identity, other ownership interests, felony conduct, general liability insurance status, surety bond filings,
2 and any other relevant information requested by the department. The fee required for each first-time applicant
3 is \$500, and when the annual report is filed in subsequent years, it must be accompanied by a filing fee of \$100.

4 (3) An auto auction that is an authorized agent may issue a temporary registration permit to a person
5 who buys a motor vehicle, power sports vehicle, or trailer at the auction, pursuant to 61-3-224. Within 30 days
6 following the date of delivery of the motor vehicle, power sports vehicle, or trailer, the auto auction shall provide
7 the purchaser with the assigned certificate of title or, if a certificate of title for the motor vehicle, power sports
8 vehicle, or trailer has not been issued in this state, a copy of the then-current registration receipt or the certificate
9 and any related documents for each motor vehicle, power sports vehicle, or trailer. It is unlawful for the auto
10 auction to issue more than one temporary registration permit for each motor vehicle, power sports vehicle, or
11 trailer sale.

12 (4) (a) Upon the issuance of an auto auction license and payment of a \$5 fee for each plate, the
13 department shall furnish to the auto auction one or more demonstrator plates that may be used to transport
14 inventory motor vehicles to and from a point of storage or a point of delivery in this state and to and from the auto
15 auction's place of business, for road testing authorized motor vehicles, or for moving motor vehicles for purposes
16 of repairing, painting, upholstering, polishing, and related activities. One license plate is required to be
17 conspicuously displayed on the rear of the motor vehicle.

18 (b) Auto auctions may appoint designated persons, service stations, or repair garages to use the license
19 plate only when conducting work for the auto auction involving repairing, painting, upholstering, polishing, or
20 performing similar types of work upon a motor vehicle.

21 (c) When applying for license plates, an auto auction shall submit a sworn affidavit on a form prescribed
22 by the department, listing each authorized person designated by the auction to use the license plates. The auto
23 auction is responsible for reporting any changes to the affidavit within 72 hours after the change has occurred.

24 (d) An auto auction licensed under the provisions of this section is liable for the proper use of the license
25 plates, which may not be used for private purposes. The department may revoke an auto auction's temporary
26 registration permit and license plate privileges if an auto auction issues, authorizes the use of, or uses a
27 temporary registration permit or an auto auction license plate in violation of the provisions of this section.

28 (5) (a) An auto auction licensed under this section shall validate the sale of a motor vehicle, a power
29 sports vehicle, or a trailer through its auction by stamping its name and license number upon the certificate of title
30 at a location on the certificate of title, at the margin in the assignment section as executed between the transferor

1 and transferee. An auto auction's stamp must be legible and may not interfere with the information recorded on
2 the certificate of title between the transferor and transferee. If the certificate of title lacks adequate space for the
3 auto auction to place its stamp, the auction may provide the transferee a copy of the auction invoice bearing the:

4 (i) name and license number of the auction, along with an indication of the year, make, model, and
5 identification number of the motor vehicle, power sports vehicle, or trailer;

6 (ii) name, address, and signature of the transferor;

7 (iii) name, license number, and signature of the transferee; and

8 (iv) date the motor vehicle was sold through the auction.

9 (b) The invoice must be attached to the certificate of title and must be presented to the department with
10 any application for title."

11

12 **Section 9.** Section 61-4-124, MCA, is amended to read:

13 **"61-4-124. Annual report -- filing fees -- grace period for dealer and demonstrator plates --**

14 **restrictions imposed upon failure to file.** (1) On or before ~~December 31 of each year~~ the 15th day of the month
15 prior to the dealer license expiration month, a dealer shall submit an annual report, in a form or manner
16 prescribed by the department, to the department to advise the department of any changes concerning owner
17 identity, other ownership interests, felony conduct, general liability insurance status, and surety bond filings, as
18 originally required under 61-4-101, that may have occurred in that calendar year and to provide any other relevant
19 information requested by the department.

20 (2) (a) The department may require a dealer to submit one or more current photographs of the dealer's
21 established place of business or the signage for the business with the dealer's annual report.

22 (b) If a dealer seeks to change the geographic location of the dealer's established place of business, the
23 dealer shall also provide information concerning local land use planning, zoning, and business permitting
24 compliance, if applicable, and a diagram or plat for the proposed location, consistent with the requirements of
25 61-4-101.

26 (3) Except as provided in subsection (4)(c), the annual report must be accompanied by a \$30 filing fee.

27 (4) (a) Except as provided in subsections (4)(b) and (4)(c), a used dealer shall also certify, under penalty
28 of law, to the retail sale of 12 or more used motor vehicles, power sports vehicles, or trailers during the calendar
29 year for which the annual report is filed. A used dealer licensed for less than a full calendar year in the year for
30 which the report is filed shall certify, under penalty of law, to the retail sale of an average of at least one used

1 motor vehicle, power sports vehicle, or trailer for each calendar month or portion of a calendar month that the
2 license was in effect.

3 (b) (i) A used dealer who cannot certify, under penalty of law, to the number of retail sales required under
4 subsection (4)(a) in a calendar year for which the report is filed must pay a fee of \$25 in addition to the filing fee
5 required in subsection (3).

6 (ii) A used dealer who is also a qualified tow truck operator, as defined in 61-8-903, and who, in the
7 dealer's annual report, cannot certify, under penalty of law, to the retail sale of five or more used motor vehicles,
8 power sports vehicles, or trailers during the calendar year for which the report is filed shall pay a fee of \$25 in
9 addition to the filing fee required in subsection (3).

10 (iii) A dealer licensed as a motor vehicle wrecking facility under Title 75, chapter 10, part 5, is exempt
11 from the minimum retail sales reporting requirements of this subsection (4).

12 (5) A dealer whose annual report is received by the department on or before ~~December 31 of the~~
13 ~~calendar year~~ the 15th day of the month prior to the dealer license expiration month may display or use dealer
14 or demonstrator plates or identification cards assigned and registered ~~for the prior calendar year through the last~~
15 ~~day of February of the following year~~ until the dealer license expiration date.

16 ~~(6) (a) On or after January 1 of the year following the calendar year for which an annual report and filing~~
17 ~~and registration fees are due under this section, the department may not renew dealer or demonstrator plates~~
18 ~~or identification cards for a dealer who has not filed the annual report and paid the fees due under this section.~~

19 ~~(b) On or after March 1 of the year following the calendar year for which an annual report and filing and~~
20 ~~registration fees are due under this section, the department may not issue or transfer a title under the provisions~~
21 ~~of 61-4-111(1) to or from a dealer who has not filed the annual report and paid the fees, and the department~~

22 (6) On or after the first day following the dealer license expiration date, the department:

23 (a) may not renew dealer or demonstrator plates or identification cards for a dealer who has not filed the
24 annual report and paid the fees due under this section;

25 (b) may not issue or transfer a title under the provisions of 61-4-111(1) to or from a dealer who has not
26 filed the annual report and paid the fees due under this section; and

27 (c) shall initiate an administrative action under the provisions of 61-4-105(2) to revoke the dealer's
28 license unless the dealer voluntarily surrenders the license, along with any previously assigned dealer and
29 demonstrator plates or identification cards, to the department for cancellation."

30

1 **Section 10.** Section 61-4-125, MCA, is amended to read:

2 **"61-4-125. Wholesaler restrictions -- demonstrator plates -- annual report.** (1) The retail sale of used
3 vehicles by a wholesaler is prohibited.

4 (2) Wholesalers may not be issued or use dealer plates, as provided in 61-4-102. However, a wholesaler
5 may be issued demonstrator plates, as provided in 61-4-129, for use on any type of motor vehicle or trailer that
6 a wholesaler is authorized to sell. To the extent not inconsistent with this section, use of wholesaler demonstrator
7 plates is otherwise governed by 61-4-129.

8 (3) (a) On or before ~~December 31 of each year~~ the 15th day of the month prior to the dealer license
9 expiration month, a wholesaler shall submit an annual report, in a form or manner prescribed by the department,
10 to the department to advise the department of any changes that may have occurred in that calendar year affecting
11 the information originally filed under 61-4-101. The report must contain information concerning owner identity,
12 other ownership interests, felony conduct, general liability insurance status, surety bond filings, and any other
13 relevant information requested by the department. A \$30 filing fee must be submitted with the report.

14 (b) Additionally, the wholesaler shall certify, under penalty of law, that the wholesaler sold 12 or more
15 motor vehicles, power sports vehicles, or trailers to a dealer, an auto auction, or another wholesaler during the
16 calendar year for which the annual report is filed. A wholesaler who was licensed for less than a full calendar year
17 shall certify, under penalty of law, to the sale of an average of at least one motor vehicle, power sports vehicle,
18 or trailer a calendar month or portion of a calendar month during which the license was in effect.

19 (c) A wholesaler who cannot, under penalty of law, certify the number of motor vehicle sales required
20 under subsection (3)(b) shall pay a fee of \$25 in addition to the filing fee required in subsection (3)(a)."

21

22 **Section 11.** Section 61-4-127, MCA, is amended to read:

23 **"61-4-127. Broker requirements -- restrictions -- annual report -- fees.** (1) A broker may not display
24 a motor vehicle, power sports vehicle, or trailer at the broker's established place of business.

25 (2) A broker shall install and maintain telephone service at the broker's established place of business.
26 The telephone service must be listed in the directory assistance that applies to the area in which the business
27 is located, or if a cellular service is used, the broker's cell phone number must be posted at the broker's
28 established place of business.

29 (3) (a) A broker shall maintain a record of every purchase, sale, or exchange of a motor vehicle, power
30 sports vehicle, or trailer negotiated by the broker for compensation upon behalf of a client. The record must

1 include the name, address, and customer identification number of:

2 (i) the broker's client;

3 (ii) the dealer or person from whom the client purchased, sold, or exchanged a motor vehicle, power
4 sports vehicle, or trailer; and

5 (iii) the financial institution, if any, that financed the client's purchase, sale, or exchange of a motor
6 vehicle, power sports vehicle, or trailer.

7 (b) The broker shall also maintain a record of each motor vehicle, power sports vehicle, or trailer for
8 which a deal was brokered, including a description of the vehicle, power sports vehicle, or trailer, its identification
9 number, and the source or sources of compensation received by the broker for each deal.

10 (c) All records must be physically located and maintained within the building referred to in 61-4-101.
11 Records must be preserved for at least 5 years after the date of the purchase, sale, or exchange negotiated by
12 the broker. An authorized representative of the department, upon presentation of the representative's credentials,
13 may inspect and have access to and copy any records required under this chapter.

14 (4) On or before ~~December 31 of each year~~ the 15th day of the month prior to the dealer license
15 expiration month, a broker shall submit an annual report, in a form or manner prescribed by the department, to
16 the department pertaining to any changes concerning owner identity, other ownership interests, felony conduct,
17 or surety bond filings, as originally required under 61-4-101, that may have occurred during that calendar year
18 and providing any other relevant information required by the department.

19 (5) The annual report must be accompanied by a \$30 filing fee. The annual report must include the
20 number of purchases, sales, or exchanges negotiated by the broker during the calendar year for which the annual
21 report is filed."

22

23 **Section 12.** Section 61-4-128, MCA, is amended to read:

24 **"61-4-128. Common standards -- dealer plates -- demonstrator plates -- identification cards -- fees.**

25 (1) (a) Dealer, demonstrator, and courtesy license plates authorized under this part must be designed by the
26 department in a manner that is similar to standard license plates furnished under 61-3-332, but the word "dealer",
27 "demonstrator", or "courtesy" must be included in the plate design.

28 (b) Dealer, demonstrator, and courtesy license plates must be numbered in a manner that is readily
29 distinguishable from other plate styles issued by the department. The numbering system for dealer plates must
30 contain the distinctive license number assigned by the department to a dealer and a number or alphanumeric

1 identification mark that relates to the assignment of sets of dealer plates to a dealer. The numbering system for
2 demonstrator plates may be sequential and unrelated to the number of demonstrator plates or the distinctive
3 license number assigned to a dealer, wholesaler, or auto auction.

4 (c) Dealer, demonstrator, and courtesy plates issued under this part must be replaced on the same cycle
5 that is required for standard license plates under 61-3-332.

6 (d) Except as provided in 61-4-124, dealer, demonstrator, and courtesy plates must display a registration
7 decal, affixed as prescribed by the department, for the calendar year for which use of the plate or plates is
8 authorized under this part.

9 (2) (a) Identification cards must be designed by the department and furnished to dealers to authorize
10 the demonstration of a motorboat or personal watercraft, a snowmobile, or an off-highway vehicle by a dealer
11 licensed under this part or a customer of a dealer licensed under this part. Each identification card must include
12 the dealer's name and address and the license number assigned by the department to the dealer and must
13 designate the type of power sports vehicle for which its use is authorized, such as a motorboat or personal
14 watercraft, snowmobile, or off-highway vehicle.

15 (b) The department may use the same numbering system for identification cards as it uses for
16 demonstrator plates.

17 (3) (a) Upon issuance of a license to a dealer whose business includes the sale of motorboats or
18 personal watercraft, snowmobiles, or off-highway vehicles, the department shall furnish identification cards to a
19 dealer as follows:

20 (i) for a dealer who sells motorboats or personal watercraft, one identification card;

21 (ii) for a dealer who sells snowmobiles, two identification cards; and

22 (iii) for a dealer who sells off-highway vehicles, two identification cards.

23 (b) The dealer may obtain additional identification cards for \$2, as needed, and upon submitting
24 justification for the need to the department.

25 (4) (a) An identification card issued to a dealer who sells motorboats or personal watercraft may be
26 displayed on a dealer's motorboat or personal watercraft while the motorboat or personal watercraft is operating
27 for a purpose related to the buying, selling, exchanging, or performance testing of the motorboat or personal
28 watercraft by the dealer, manufacturer, or potential buyer.

29 (b) An identification card issued to a dealer who sells snowmobiles must be carried by the dealer when
30 demonstrating the dealer's snowmobiles or by the dealer's customer.

1 (c) An identification card issued to a dealer who sells off-highway vehicles must be carried by the dealer
2 when the dealer's off-highway vehicles are being demonstrated for sale purposes or by the dealer's customer.

3 (5) (a) All dealer, demonstrator, and courtesy plates and identification cards issued under this part ~~expire~~
4 ~~on December 31~~ are expired on the first day following the dealer license expiration date of the year of issue and
5 must be renewed annually.

6 (b) A dealer, wholesaler, or auto auction that files the annual report as required under 61-4-120,
7 61-4-124, or 61-4-125 ~~on or before December 31 of the calendar year~~ may display or use dealer or demonstrator
8 plates and identification cards assigned for the prior calendar year ~~through the last day of February of the~~
9 following year until the dealer license expiration date."

10

11 **Section 13.** Section 61-4-131, MCA, is amended to read:

12 **"61-4-131. Definitions.** As used in this part, the following definitions apply:

13 (1) "Broker" means a person:

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

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

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

25 (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
26 to a new motor vehicle dealer as defined in 61-4-201.

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

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

30 (A) is entitled to inherit the dealer's ownership interest in the dealership under the terms of the dealer's

1 will or under the laws of intestate succession of this state; or

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

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

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

8 (4) (a) "Established place of business" means the geographic location upon which a permanent building
9 is located that is actually occupied either continuously or at regular periods by a person licensed under this part.
10 A building is actually occupied if the licensee's books and records are kept in the building and, except for
11 approved off-premises sales, the licensee's business is transacted within the building.

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

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

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

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

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

24 (b) A motorcycle or quadricycle must be treated as an off-highway vehicle if the motorcycle or
25 quadricycle is not originally equipped for use on a highway.

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

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

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

30 (9) "Used", when describing a motor vehicle, power sports vehicle, or trailer, means that title to the motor

1 vehicle, power sports vehicle, or trailer has been transferred because of a prior retail sale."

2

3 **Section 14.** Section 61-5-106, MCA, is amended to read:

4 **"61-5-106. Instruction permits -- ~~traffic education learner licenses and permits~~ -- temporary**

5 **licenses driver's permits.** (1) (a) The department may issue ~~an instruction permit~~ a learner license, which is

6 valid for 1 year from the date of issuance, to a person satisfying the age requirements specified in 61-5-105(1)

7 after the applicant has successfully passed the knowledge test and the vision examination, as provided in

8 61-5-110. Except as provided in subsections (1)(b) and (1)(c), ~~an instruction permit~~ a learner license entitles the

9 ~~permitholder licensee~~, while in immediate possession of the ~~permit license~~ and accompanied by a licensed driver

10 seated beside the ~~permitholder licensee~~, to drive a motor vehicle other than a motorcycle upon the public

11 highways.

12 (b) If the ~~permitholder licensee~~ is under 18 years of age, the driver supervising the ~~permitholder licensee~~

13 must be a parent or a legal guardian of the ~~permitholder licensee~~ or, with the permission of the ~~permitholder's~~

14 ~~licensee's~~ parent or legal guardian, a licensed driver 18 years of age or older. Each occupant of a motor vehicle

15 driven by a ~~permitholder licensee~~ who is under 18 years of age shall wear a properly adjusted and fastened

16 seatbelt or, if 61-9-420 applies, must be properly restrained in a child safety restraint.

17 (c) A person holding ~~an instruction permit~~ a learner license for a motorcycle may drive a motorcycle upon

18 a public highway if the person is not carrying a passenger, has immediate possession of the ~~permit license~~, and

19 is under the immediate and proximate visual supervision of one of the following persons, who must be at least

20 18 years of age if the ~~permitholder licensee~~ is under 18 years of age:

21 (i) a motorcycle-endorsed licensed driver who is riding with the ~~permitholder licensee~~ and who is

22 operating a separate motorcycle or other motor vehicle; or

23 (ii) a licensed driver who is operating a separate motor vehicle if the ~~permitholder licensee~~ has

24 successfully completed a motorcycle safety training course through a cooperative driver testing program certified

25 under 61-5-110.

26 (2) The department may issue a ~~traffic education~~ learner license, which is valid for 1 year from the date

27 of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is

28 successfully participating in a traffic education course approved by the department and the superintendent of

29 public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside

30 within the geographical boundaries of or attend a school in the school district that offers the course. A ~~traffic~~

1 ~~education~~ learner license entitles the licensee to operate a motor vehicle ~~only~~ when accompanied by an approved
 2 instructor, ~~or a licensed parent or guardian, or other driver as provided in subsection (1)(b)~~ and may be restricted
 3 to specific times or areas.

4 (3) (a) An instructor of a traffic education program approved by the department and by the superintendent
 5 of public instruction may issue a traffic education permit that is effective for a school year or more restricted period
 6 to an applicant who is enrolled in a traffic education program approved by the department and who meets the age
 7 requirements specified in 20-7-503.

8 (b) When in immediate possession of the traffic education permit, the permittee may operate on a
 9 designated highway or within a designated area:

10 (i) a motor vehicle when an approved instructor is seated beside the permittee; or

11 (ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved
 12 instructor.

13 (4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's
 14 license permitting the applicant to operate a motor vehicle while the department is completing its investigation
 15 and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's
 16 permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when
 17 the applicant's license has been issued or for good cause has been refused.

18 (5) The department may in its discretion issue a temporary commercial driver's license to an applicant
 19 permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation
 20 and determination of all facts relative to the applicant's right to receive a commercial driver's license. The
 21 temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle
 22 and is invalid when the applicant's license has been issued or for good cause has been refused.

23 (6) The department may in its discretion issue a temporary medical assessment and rehabilitation driving
 24 permit, as provided in 61-5-120."
 25

26 **Section 15.** Section 61-5-107, MCA, is amended to read:

27 "**61-5-107. Application for license, ~~instruction permit,~~ or motorcycle endorsement.** (1) Each
 28 application for ~~an instruction permit~~ a learner license, driver's license, commercial driver's license, or motorcycle
 29 endorsement must be made ~~upon~~ on a form furnished by the department. Each application must be accompanied
 30 by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the

1 examination within a period of 6 months from the date of application. A voter registration form for mail registration
2 as prescribed by the secretary of state must be attached to each driver's license application. If the applicant
3 wishes to register to vote, the department shall accept the registration and forward the form to the election
4 administrator.

5 (2) Each application must include the full legal name, date of birth, sex, residence address of the
6 applicant [and the applicant's social security number], must include a brief description of the applicant, and must
7 provide the following additional information:

8 (a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type
9 of motor vehicle during the 10-year period immediately preceding the date of the application;

10 (b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation,
11 cancellation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in
12 another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

13 (c) a brief description of any physical or mental disability, limitation, or condition that impairs or may
14 impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle
15 on the highway;

16 (d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon
17 or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a
18 motor vehicle on the highway, including the nature of the equipment or restrictions; and

19 (e) if the applicant is a foreign national whose presence in the United States is temporarily authorized
20 under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship
21 and immigration services of the department of homeland security authorizing the applicant's presence in the
22 United States.

23 [(3) The department shall keep the applicant's social security number from this source confidential,
24 except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted
25 by state law administered by the department and may be provided to the department of public health and human
26 services for use in administering Title IV-D of the Social Security Act.]

27 (4) (a) When an application is received from an applicant who is not ineligible for licensure under
28 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the
29 applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year
30 period. The driving record may be transmitted manually or by electronic medium.

1 (b) When received, the driving records must be appended to the driver's record created and maintained
 2 in this state. The department may rely on information contained in driving records received under this section to
 3 determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a
 4 conviction or other conduct requiring suspension or revocation of a driver's license under state law.

5 (5) An individual who is under 26 years of age but at least 15 years of age and who is required to register
 6 in compliance with the federal Military Selective Service Act, 50 App. U.S.C. 453, must be provided an opportunity
 7 to fulfill those registration requirements in conjunction with an application for ~~an instruction permit~~ a learner
 8 license, driver's license, commercial driver's license, or state identification card. If under 18 years of age but at
 9 least 15 years of age, an individual must be provided an opportunity to be registered by the selective service
 10 system upon attaining 18 years of age. Any registration information supplied on the application must be
 11 transmitted by the department to the selective service system. (Bracketed language terminates on occurrence
 12 of contingency--sec. 1, Ch. 27, L. 1999.)"

13

14 **Section 16.** Section 61-5-108, MCA, is amended to read:

15 **"61-5-108. Application of minors -- imputed liability.** (1) The application of a person who is under 18
 16 years of age for ~~an instruction permit~~ a learner license, driver's license, or medical assessment and rehabilitation
 17 driving permit must be signed and verified before a person authorized to administer oaths or an employee of the
 18 department by a parent of the applicant or, if none is available, by some other responsible adult who is willing to
 19 assume the obligation imposed under this chapter upon a person signing the application of a minor.

20 (2) Any negligence or willful misconduct of a minor who is under 18 years of age when driving a motor
 21 vehicle upon a highway must be imputed to a person who has signed the application of the minor for ~~an~~
 22 ~~instruction permit~~ a learner license, driver's license, or medical and rehabilitation driving permit. The person who
 23 signs the application is jointly and severally liable with the minor for any damages caused by the negligence or
 24 willful misconduct unless a motor vehicle liability policy, as provided for in chapter 6 of this title, covering the minor
 25 is in effect, in which case there is no imputed liability as described in this section."

26

27 **Section 17.** Section 61-5-111, MCA, is amended to read:

28 **"61-5-111. Contents of driver's license, renewal, license expirations, grace period, and fees for**
 29 **licenses, ~~permits~~, and endorsements -- notice of expiration.** (1) (a) The department may appoint county
 30 treasurers and other qualified officers to act as its agents for the sale of driver's license receipts. The department

1 shall adopt necessary rules governing sales. In areas in which the department provides driver licensing services
2 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell
3 receipts.

4 (b) The department may enter into an authorized agent agreement with the county treasurer of any
5 county in which the department no longer maintains a driver examination station for the purpose of providing
6 driver's license renewal services.

7 (2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's
8 license to each qualifying applicant. The license must contain:

9 (i) a full-face photograph of the licensee in the size and form prescribed by the department;

10 (ii) a distinguishing number issued to the licensee;

11 (iii) the full legal name, date of birth, Montana residence address unless the licensee requests use of the
12 mailing address, and a brief description of the licensee;

13 (iv) either the licensee's customary manual signature or a reproduction of the licensee's customary
14 manual signature; and

15 (v) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.

16 (b) The department may not use the licensee's social security number as the distinguishing number. A
17 license is not valid until it is signed by the licensee.

18 (3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records
19 check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's
20 eyesight. The department may also require the applicant to submit to a knowledge and road or skills test if:

21 (i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may
22 impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle
23 on the highway; and

24 (ii) the expired or expiring license does not include adaptive equipment or operational restrictions
25 appropriate to the applicant's functional abilities; or

26 (iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

27 (b) In the case of a commercial driver's license, the department shall, if the information was not provided
28 in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the
29 applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately
30 preceding the date of the renewal application and may also require that the applicant successfully complete a

1 written examination as required by federal regulations.

2 (c) A person is considered to have applied for renewal of a Montana driver's license if the application
3 is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in
4 subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's
5 examination station.

6 (d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)~~(vi)~~(v), a person may renew a driver's
7 license by mail or online.

8 (ii) An applicant who renews a driver's license by mail or online shall ~~submit to the department an~~
9 ~~approved vision examination and a medical evaluation from a licensed physician, licensed physician assistant,~~
10 ~~or advanced practice registered nurse, as defined in 37-8-102, in addition to the fees required for renewal~~ certify
11 under penalty of false swearing that the applicant meets the department's vision and medical requirements to hold
12 a Montana driver's license.

13 (iii) If the department does not have a digitized photograph and signature record of the renewal applicant
14 from the expiring license, then the renewal applicant shall apply in person.

15 ~~(iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or online~~
16 ~~is 8 years.~~

17 ~~(iv)~~(iv) The department may not renew a license by mail or online if:

18 (A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for
19 the applicant;

20 (B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the
21 retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;

22 (C) the applicant seeks a change of address or a name change; or

23 (D) the applicant's license:

24 (I) has been expired for 3 months or longer; or

25 (II) except as provided in subsection (3)(e), was renewed by mail or online at the time of the applicant's
26 previous renewal.

27 ~~(vi)~~(v) If a license was issued to a foreign national whose presence in the United States is temporarily
28 authorized under federal law, the license may not be renewed by mail or online.

29 (e) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active
30 military duty may renew the applicant's license by mail or online for one additional consecutive term following a

1 renewal by mail or online.

2 (f) The department shall mail a driver's license renewal notice no earlier than 90 days and no later than
3 30 days prior to the expiration date of a driver's license. Except as provided in 61-3-119 and 61-5-115, the
4 department shall mail the notice to the Montana mailing address shown on the driver's license.

5 (4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of
6 the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs
7 first.

8 (b) A license issued to a person who is 75 years of age or older expires on the anniversary of the
9 licensee's birthday 4 years or less after the date of issue.

10 (c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

11 (d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary
12 of the licensee's birthday 5 years or less after the date of issue.

13 (ii) When a person obtains a Montana commercial driver's license with a hazardous materials
14 endorsement after surrendering a comparable commercial driver's license with a hazardous materials
15 endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday
16 5 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's
17 license information system, a security threat assessment was performed on the person as a condition of issuance
18 of the surrendered license.

19 (e) A license issued to a person who is a foreign national whose presence in the United States is
20 temporarily authorized under federal law expires, as determined by the department, no later than the expiration
21 date of the official document issued to the person by the bureau of citizenship and immigration services of the
22 department of homeland security authorizing the person's presence in the United States.

23 (f) The department may adopt rules to implement online driver's license renewal.

24 (5) When the department issues a driver's license to a person under 18 years of age, the license must
25 be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

26 (6) (a) Upon application for a driver's license or commercial driver's license and any combination of the
27 specified endorsements, the following fees must be paid:

28 (i) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

29 (ii) motorcycle endorsement -- 50 cents a year or fraction of a year;

30 (iii) commercial driver's license:

1 (A) interstate -- \$10 a year or fraction of a year; or

2 (B) intrastate -- \$8.50 a year or fraction of a year.

3 (b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.

4 (7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the
5 department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this
6 part, the department shall include the word "veteran" on the face of the license.

7 (b) After a person's status as a veteran is denoted on a driver's license, the department may not require
8 further documentation of that status from the holder of the license upon subsequent renewal or replacement."
9

10 **Section 18.** Section 61-5-114, MCA, is amended to read:

11 **"61-5-114. Replacement license or permit -- veteran designation.** (1) ~~If an instruction permit a learner~~
12 license or a driver's license issued under the provisions of this chapter is lost or destroyed or a person wants to
13 update personal information contained on ~~an instruction permit a learner license~~ or a driver's license issued to
14 the person, the person to whom the ~~permit or~~ license was issued may, upon the payment of a fee of \$10, obtain
15 a replacement ~~permit or~~ license, upon furnishing proof satisfactory to the department that the ~~permit or~~ license
16 has been lost or destroyed or that personal information has changed.

17 (2) If the hazardous materials endorsement on a commercial driver's license issued under the provisions
18 of this chapter is revoked or removed pursuant to the authority provided in 61-5-147, the person to whom the
19 license was issued shall surrender to the department the person's commercial driver's license with the hazardous
20 materials endorsement and may obtain, upon making application and paying a \$10 fee, a replacement license
21 that does not include a hazardous materials endorsement.

22 (3) The department shall include the word "veteran" on the face of a driver's license if the requirements
23 of 61-5-111(7) are met by the person applying for the driver's license."
24

25 **Section 19.** Section 61-5-122, MCA, is amended to read:

26 **"61-5-122. Low-speed restricted driver's license.** (1) The department may issue a low-speed
27 restricted driver's license to a person who is physically or otherwise impaired in a manner and degree that prevent
28 the person from safely operating a motor vehicle across the range of speeds permitted or required on a public
29 highway.

30 (2) (a) To qualify for a low-speed restricted driver's license, an applicant shall submit to the department

1 a medical evaluation or statement from a treating physician that attests to the person's impairment and resulting
2 inability to safely operate a motor vehicle across the range of speeds permitted or required on a public highway.

3 (b) The applicant must be otherwise qualified for a driver's license under this chapter and shall apply for
4 a driver's license under 61-5-107, pay the fees required in 61-5-111, and pass the vision test, the knowledge test,
5 and the road test required under 61-5-110. The road test must be modified to conform to the operational
6 limitations of the vehicle.

7 (3) The department may issue a low-speed restricted ~~instruction permit~~ learner license, valid for 30 days
8 from the date of issuance, to a person who qualifies for a low-speed restricted driver's license under this section
9 and who passes the vision test and knowledge test required in 61-5-110. A ~~permitholder~~ licensee may operate
10 a low-speed electric vehicle or golf cart pursuant to 61-8-378 while in the immediate possession of the ~~permit~~
11 license and accompanied by a licensed driver seated beside the ~~permitholder~~ licensee."

12

13 **Section 20.** Section 61-5-125, MCA, is amended to read:

14 **"61-5-125. Authority of department -- rulemaking authority.** (1) The department shall administer and
15 enforce the provisions of this chapter.

16 (2) The department shall adopt rules setting standards to govern driver's license examinations and
17 reexaminations. The rules:

18 (a) must specifically address the functional abilities and skills required for a person to exercise ordinary
19 and reasonable control in the safe operation of a motor vehicle on a highway;

20 (b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and
21 restricted licensure and may include minimum field of vision and depth perception requirements and hearing
22 requirements for unrestricted and restricted licensure;

23 (c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability
24 to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test
25 may consist of:

26 (i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration
27 of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

28 (ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the
29 department, as related to a specific physical or mental condition or conditions or a request for reexamination;

30 (d) must include operational restrictions based upon the visual acuity of an applicant or licensee;

1 (e) may take into consideration any nationally recognized standards or recommended practices for
2 assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor
3 vehicle on the highway;

4 (f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational
5 limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

6 (g) may be derived from medical guidelines and information compiled by driver licensing medical
7 advisory or review boards from other jurisdictions, as well as information received from advocacy groups for
8 persons with disabilities and senior citizens; and

9 (h) except as provided in 61-5-105, may not use a person's age or physical or mental disability, limitation,
10 or condition as a justification for denial of a license.

11 (3) The department shall adopt rules governing the issuance of a hardship license to an underage
12 applicant, including but not limited to an applicant who is 14 years of age or older who holds a valid ~~instruction~~
13 ~~permit or a traffic education~~ learner license under 61-5-106. The rules must consider whether a hardship license
14 is needed because the applicant's licensed parent or guardian is not available to accompany the ~~permitholder~~
15 licensee due to employment or circumstances related to the operation of a farm or ranch and the ~~permitholder~~
16 licensee is required to drive more than 7 miles from the ~~permitholder's~~ licensee's residence to the ~~permitholder's~~
17 licensee's school bus stop.

18 (4) The department may adopt additional rules governing:

19 (a) acceptable methods of proof of identification that must be supplied by a person upon application for
20 or renewal of a driver's license;

21 (b) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license
22 fees;

23 (c) circumstances under which the department may issue a probationary license to a person whose
24 license has been suspended or revoked or a person whose license is subject to a discretionary suspension or
25 revocation;

26 (d) restrictions to be imposed upon a probationary license;

27 (e) renewal of a driver's license by a person in the military assigned to active duty who had a valid
28 Montana driver's license at the time of entering active duty;

29 (f) issuance of a replacement driver's license; and

30 (g) a determination of the driver's license expiration date, minimum and maximum license terms, and

1 license renewal requirements for a driver's license issued to a person who is a foreign national whose presence
2 in the United States is temporarily authorized under federal law."

3

4 **Section 21.** Section 61-5-132, MCA, is amended to read:

5 **"61-5-132. Prerequisites for issuance of driver's license to minor.** (1) The department may issue
6 a driver's license, subject to the restrictions of 61-5-133, to a person under 18 years of age if the person:

7 (a) has held ~~an instruction permit or traffic education~~ a learner's learner license or traffic education permit
8 for a period of not less than 6 months;

9 (b) has passed a road test or a skills test, as provided in 61-5-110;

10 (c) presents written certification from the person's parent or legal guardian that states that the person
11 has had at least 50 hours of driving experience, 10 of which were at night, during which the person was
12 supervised by a parent, a legal guardian, or a person at least 18 years of age, with the consent of the parent or
13 legal guardian, who had a valid driver's license; and

14 (d) presents written certification from the person's parent or legal guardian that states that, during the
15 6-month period immediately preceding application for a driver's license, the person has not been convicted of a
16 traffic violation or convicted of or adjudicated for an offense involving the use of alcohol or drugs and the person
17 has no pending traffic, alcohol, or drug citations.

18 (2) If a parent or a legal guardian for a person under 18 years of age cannot certify that the person has
19 a 6-month conviction-free record for traffic, alcohol, and drug violations and no pending traffic, alcohol, or drug
20 citations, the department may extend the person's ~~instruction permit or traffic education~~ learner's learner license
21 for an additional 1-year period or until the person's 18th birthday, whichever occurs first.

22 (3) (a) The requirements of subsections (1)(a) through (1)(c) do not apply to a person under 18 years
23 of age who has been licensed in another state for at least 6 months and surrenders a valid driver's license from
24 that state.

25 (b) The requirements of subsection (1)(c) do not apply to a person under 18 years of age who, at the
26 time of application for a driver's license, is an enrollee of a job corps program located in Montana. The department
27 may require the applicant to provide current documentation of the applicant's job corps program enrollment
28 status."

29

30 **Section 22.** Section 61-5-206, MCA, is amended to read:

1 **"61-5-206. Authority of department to suspend or revoke license or driving privilege -- right to**
 2 **hearing.** (1) The department may suspend or revoke the driver's license or driving privilege of a driver without
 3 preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

- 4 (a) has committed or permitted an unlawful or fraudulent use of the license as specified in 61-5-302;
 5 (b) has falsified the licensee's date of birth on the application for a driver's license;
 6 (c) is under 21 years of age and has altered the licensee's or another's driver's license, identification
 7 card, or tribal identification card to obtain alcohol; or
 8 (d) has authorized another to use the licensee's driver's license, identification card, or tribal identification
 9 card to obtain alcohol.

10 (2) If the department suspends or revokes a driver's license under 61-5-207 or this section or reinstates
 11 a license suspension or revocation upon conviction or forfeiture of bail not vacated of any traffic violation by a
 12 person who holds a probationary driver's license under 61-2-302, the department shall immediately notify the
 13 licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing as early
 14 as practical, within 20 days after receipt of the request, in the county in which the licensee resides unless the
 15 department and the licensee agree that the hearing may be held in some other county. At the hearing, the
 16 department through its authorized agent may administer oaths and may issue subpoenas for the attendance of
 17 witnesses and the production of relevant books and papers and may require a reexamination of the licensee. At
 18 the hearing, the department shall either rescind its order of suspension or revocation or, for good cause, may
 19 affirm, reduce, or extend the period of suspension or revocation of the license."
 20

21 **Section 23.** Section 61-5-208, MCA, is amended to read:

22 **"61-5-208. Period of suspension or revocation -- limitation on issuance of probationary license**
 23 **-- notation on driver's license.** (1) The department may not suspend or revoke a driver's license or privilege to
 24 drive a motor vehicle on the public highways, except as permitted by law.

25 (2) (a) Except as provided in 44-4-1205 and 61-2-302 and except as otherwise provided in this section,
 26 a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or
 27 revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or
 28 suspension period has been completed.

29 **(b) For the purpose of determining the number of convictions for prior offenses referred to in 61-8-401,**
 30 **61-8-406, 61-8-411, or 61-8-465, "conviction" means:**

- 1 (i) a final conviction, as defined in 45-2-101, in this state;
- 2 (ii) a conviction for a violation of a similar statute or regulation in another state or on a federally
 3 recognized Indian reservation; or
- 4 (iii) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state,
 5 in another state, or on a federally recognized Indian reservation, and the forfeiture has not been vacated.
- 6 ~~(b)~~(c) Subject to 61-5-231 and except as provided in subsection (4) of this section:
- 7 (i) upon receiving a report of a person's conviction ~~or forfeiture of bail or collateral not vacated~~ for a first
 8 offense, ~~of violating 61-8-401, 61-8-406, 61-8-411, or 61-8-465,~~ the department shall suspend the driver's license
 9 or driving privilege of the person for a period of 6 months and may not issue a probationary license during the
 10 period of suspension unless the report of conviction includes a recommendation from the court that a probationary
 11 license be issued;
- 12 (ii) upon receiving a report of a person's conviction ~~or forfeiture of bail or collateral not vacated~~ for a
 13 second offense ~~of violating 61-8-401, 61-8-406, 61-8-411, or 61-8-465~~ within the time period specified in
 14 61-8-734, the department shall suspend the driver's license or driving privilege of the person for a period of 1 year
 15 and may not issue a probationary license during the period of suspension unless the person completes at least
 16 45 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a
 17 probationary driver's license be issued subject to the requirements of 61-8-442. If the 1-year suspension period
 18 passes and the person has not completed a chemical dependency education course, treatment, or both, as
 19 required under 61-8-732, the license suspension remains in effect until the course or treatment, or both, are
 20 completed.
- 21 (iii) upon receiving a report of a person's conviction ~~or forfeiture of bail or collateral not vacated~~ for a third
 22 or subsequent offense ~~of violating 61-8-401, 61-8-406, 61-8-411, or 61-8-465~~ within the time period specified in
 23 61-8-734, the department shall suspend the driver's license or driving privilege of the person for a period of 1 year
 24 and may not issue a probationary license during the period of suspension unless the person completes at least
 25 90 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a
 26 probationary driver's license be issued subject to the requirements of 61-8-442. If the 1-year suspension period
 27 passes and the person has not completed a chemical dependency education course or treatment, or both, as
 28 required under 61-8-732, the license suspension remains in effect until the course or treatment, or both, are
 29 completed.
- 30 (3) (a) Except as provided in subsection (3)(b), the period of suspension or revocation for a person

1 convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license
2 commences from the date of conviction or forfeiture of bail.

3 (b) A suspension commences from the last day of the prior suspension or revocation period if the
4 suspension is for a conviction of driving with a suspended or revoked license.

5 (4) If a person is convicted of a violation of 61-8-401, 61-8-406, 61-8-411, or 61-8-465 while operating
6 a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.

7 (5) (a) A driver's license that is issued after a license revocation to a person described in subsection
8 (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.

9 (b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has
10 reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the
11 person may not operate a motor vehicle unless:

12 (i) operation is authorized by the person's probation officer; or

13 (ii) a motor vehicle operated by the person is equipped with an ignition interlock device."
14

15 **Section 24.** Section 61-6-158, MCA, is amended to read:

16 **"61-6-158. Vehicle insurance verification and license plate operating account.** (1) There is a vehicle
17 insurance verification and license plate operating account in the state special revenue fund type as provided in
18 17-2-102.

19 (2) Fees imposed under 61-3-321(7)(b)(ii) and (13), 61-3-333, 61-3-465(1)(b)(i), 61-3-480(2)(c)(i), or
20 61-3-562(1)(a)(ii), or 61-3-701(5) or established and collected under 61-6-105 must be deposited in the account.

21 (3) The money in the vehicle insurance verification and license plate operating account must be used
22 by the department to pay costs incurred in or associated with the operation, maintenance, and enhancement of
23 the system established under 61-6-157 and the contract required in 61-3-338 for the manufacture and distribution
24 of license plates by Montana correctional enterprises."
25

26 **Section 25.** Section 61-8-347, MCA, is amended to read:

27 **"61-8-347. Obedience to signal indicating approach of train or other on-track equipment.** (1) When
28 a person operating a vehicle approaches a railroad crossing under any of the circumstances stated in this section,
29 the operator of the vehicle shall SLOW THE VEHICLE IN ORDER TO stop as close as practicable but not less than 15
30 feet from the nearest rail of the railroad and may not proceed until the operator can do so safely. These

1 requirements apply when:

2 (a) a clearly visible electric or mechanical signal device gives warning of the presence or immediate
3 approach of a railroad train or other on-track equipment;

4 (b) a crossing gate is lowered or when a flag person gives a signal of the approach or passage of a
5 railroad train or other on-track equipment;

6 (c) a railroad train approaching ~~within approximately 1,500 feet of the crossing emits a signal audible~~
7 ~~from that distance~~ AN AUDIBLE SIGNAL, except at crossings within quiet zones established under 69-14-620,
8 indicating that the train is an immediate hazard because of its speed or nearness to the crossing; ~~or~~

9 (d) an approaching railroad train or other on-track equipment is plainly visible and is in hazardous
10 proximity to the crossing;

11 (e) there is insufficient space to drive completely through the crossing without stopping; or

12 (f) there is insufficient undercarriage clearance to clear the railroad crossing.

13 (2) A person may not operate a vehicle through, around, or under any crossing gate or barrier at a
14 railroad grade crossing while the gate or barrier is closed or is being opened or closed."
15

16 **Section 26.** Section 61-8-465, MCA, is amended to read:

17 **"61-8-465. Aggravated DUI.** (1) A person commits the offense of aggravated driving under the influence
18 if the person is in violation of 61-8-401, 61-8-406, or 61-8-411 and:

19 (a) the person's alcohol concentration, as shown by analysis of the person's blood or breath, is 0.16 or
20 more;

21 (b) the person is under the order of a court or the department to equip any motor vehicle the person
22 operates with an approved ignition interlock device;

23 (c) the person's driver's license or privilege to drive is suspended, canceled, or revoked as a result of
24 a prior violation of 61-8-401, 61-8-402, 61-8-406, or 61-8-411;

25 (d) the person refuses to provide a breath ~~or blood~~ sample as required in 61-8-402 and the person's
26 driver's license or privilege to drive was suspended, canceled, or revoked under 61-8-402 within 10 years of the
27 commission of the present offense; or

28 (e) the person has one prior conviction or pending charge for a violation of 45-5-106, 45-5-205, 61-8-401,
29 61-8-406, 61-8-411, or this section within 10 years of the commission of the present offense or has two or more
30 prior convictions or pending charges, or any combination thereof, for violations of 45-5-106, 45-5-205, 61-8-401,

1 61-8-406, or 61-8-411.

2 (2) Except as provided in subsection (6), a person convicted of a first violation of the offense of
3 aggravated driving under the influence shall be punished by:

4 (a) a fine of \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at
5 the time of the offense, a fine of \$2,000; and

6 (b) a term of imprisonment for not less than 48 hours or more than 1 year, except that if one or more
7 passengers under 16 years of age were in the vehicle at the time of the offense, a term of imprisonment for not
8 less than 72 consecutive hours.

9 (3) (a) Except as provided in subsection (6), a person convicted of a second violation of the offense of
10 aggravated driving under the influence shall be punished by:

11 (i) a fine of \$2,500, except that if one or more passengers under 16 years of age were in the vehicle at
12 the time of the offense, a fine of \$5,000; and

13 (ii) a term of imprisonment for not less than 15 days or more than 1 year, except that if one or more
14 passengers under 16 years of age were in the vehicle at the time of the offense, a term of imprisonment for not
15 less than 45 days.

16 (b) Except for the minimum term of imprisonment provided in subsection (3)(a)(ii), the mandatory
17 minimum imprisonment term may be suspended pending successful completion of court-ordered chemical
18 dependency assessment, education, or treatment by the person.

19 (c) The mandatory minimum imprisonment term may not be served under home arrest and may not be
20 suspended unless the judge finds the imposition of the imprisonment sentence will pose a risk to the person's
21 physical or mental well-being.

22 (4) (a) Except as provided in subsection (6), a person convicted of a third violation of the offense of
23 aggravated driving under the influence shall be punished by:

24 (i) a fine of \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at
25 the time of the offense, a fine of \$10,000; and

26 (ii) a term of imprisonment for not less than 40 consecutive days or more than 1 year, except that if one
27 or more passengers under 16 years of age were in the vehicle at the time of the offense, a term of imprisonment
28 for not less than 90 consecutive days.

29 (b) Except for the minimum term of imprisonment provided in subsection (4)(a)(ii), the mandatory
30 minimum imprisonment term may be suspended pending successful completion of court-ordered chemical

1 dependency assessment, education, or treatment by the person.

2 (c) The mandatory minimum imprisonment term may not be served under home arrest and may not be
3 suspended unless the judge finds the imposition of the imprisonment sentence will pose a risk to the person's
4 physical or mental well-being.

5 (5) During the suspended sentence imposed by the court under subsection (3)(b) or (4)(b):

6 (a) the person is subject to all conditions of the suspended sentence imposed by the court, including
7 mandatory participation in drug or DUI courts if available;

8 (b) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program if available
9 and if imposed by the court; and

10 (c) if the person violates any condition of the suspended sentence or any treatment requirement, the
11 court may impose the remainder of any imprisonment term that was imposed and suspended.

12 (6) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in
13 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs, with an excessive
14 alcohol concentration, or under the influence of delta-9-tetrahydrocannabinol or aggravated driving under the
15 influence.

16 (7) Absolute liability, as provided for in 45-2-104, is imposed for a violation of this section."
17

18 **Section 27.** Section 61-8-812, MCA, is amended to read:

19 **"61-8-812. Operation of out-of-service vehicle -- criminal and civil penalties -- suspension of**
20 **commercial driver's license.** (1) A person may not operate a commercial motor vehicle during any period in
21 which the person, the commercial motor vehicle the person is operating, or the motor carrier operation is subject
22 to an out-of-service order issued under state or federal authority.

23 (2) A violation of this section is a misdemeanor and a person convicted of a violation of this section shall
24 be fined not less than \$25 or more than \$500 for the first offense and not less than \$25 or more than \$1,000 for
25 each subsequent offense.

26 (3) (a) In addition to the misdemeanor penalties provided in subsection (2) and suspension of the
27 person's commercial driver's license as provided in subsection (4), a person who violates an out-of-service order
28 issued under state or federal authority is subject to a civil penalty, ~~of not less than \$1,400 or more than \$2,750~~
29 as provided in 49 CFR 383.53, in the amounts provided in 49 CFR, part 386, appendix B.

30 (b) The department or the county attorney of the county in which the violation occurred may petition the

1 district court to impose the civil penalty. Venue for an action to collect a civil penalty pursuant to this section is
2 the county in which the violation occurred or in the first judicial district.

3 (c) A civil penalty collected under this section must be deposited in the state general fund.

4 (4) Upon receipt of notice from a court of competent jurisdiction or another licensing jurisdiction that a
5 person holding a commercial driver's license has been convicted of violating an out-of-service order, the
6 department shall suspend the person's commercial driver's license for:

7 (a) 6 months for a first conviction;

8 (b) 2 years for a second conviction if the vehicle being operated by the person at the time of the violation
9 was not transporting placardable hazardous materials or was not designed or being used to transport more than
10 15 passengers, inclusive of the driver; and

11 (c) 3 years:

12 (i) for a second conviction if the vehicle:

13 (A) being operated at the time of the violation was transporting placardable hazardous materials; or

14 (B) was designed or being used to transport more than 15 passengers, inclusive of the driver; and

15 (ii) for a third or subsequent conviction.

16 (5) For purposes of this section, an offender is considered to have been previously convicted if less than
17 10 years have elapsed between the commission of the present offense and a previous conviction.

18 (6) A temporary or probationary commercial driver's license may not be issued while a commercial
19 driver's license is suspended under subsection (4)."

20

21 **Section 28.** Section 61-11-102, MCA, is amended to read:

22 **"61-11-102. Records to be kept by department.** (1) Except as provided in subsection (8), the
23 department shall create and maintain a central database of electronic files that includes an individual Montana
24 driving record for each person:

25 (a) who has been issued a Montana driver's license;

26 (b) who does not have a driver's license from, or active driving record in, another jurisdiction and for
27 whom the department receives a report of conviction of a traffic violation or an offense requiring suspension or
28 revocation of the person's driver's license; and

29 (c) whose driver's license or driving privileges have been suspended, revoked, canceled, or otherwise
30 withdrawn by the department.

- 1 (2) An individual Montana driving record maintained under this section must include:
- 2 (a) personal information obtained from the application for a driver's license or a report of conviction;
- 3 (b) the person's driver's license number, license type, status, endorsements, restrictions, issue and
- 4 expiration dates, and any suspensions, revocations, disqualifications, or cancellations that have been imposed
- 5 against the person;
- 6 (c) all convictions reported to the department for the person; and
- 7 (d) traffic accidents in which the person was involved, except that a record of involvement in a traffic
- 8 accident may not be entered on a licensee's record unless the licensee was convicted, as defined in 61-11-203,
- 9 for an act causally related to the accident.
- 10 (3) (a) The department shall create and maintain a CDLIS driver record for each person who has been
- 11 issued a Montana commercial driver's license or for whom a record of conviction, disqualification, or other
- 12 licensure action has been taken for violations of any state or local law relating to motor vehicle traffic regulation,
- 13 other than a parking violation, committed while operating a commercial motor vehicle.
- 14 (b) A CDLIS driver record maintained by the department must meet the requirements of 49 CFR 384.225.
- 15 (c) If the department receives notice that a person has been disqualified by the federal motor carrier
- 16 safety administration as an imminent hazard under 49 CFR 383.52, the department shall record the
- 17 disqualification on the CDLIS driver record.
- 18 (4) The department shall retain records created under this section for a period of time that meets or
- 19 exceeds the standards established under 49 CFR, part 384.
- 20 (5) The department is further authorized, upon receiving a record of the conviction in this state of a
- 21 nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward, by
- 22 electronic or other means, a report of the conviction to the motor vehicle administrator in the state in which the
- 23 person is a resident or licensed.
- 24 (6) The department may place on a computer storage device the information contained on original
- 25 records or reproductions of original records made pursuant to this section. Signatures on records are not required
- 26 to be placed on a computer storage device.
- 27 (7) (a) Except as provided in subsection (7)(b), a reproduction of the information placed on a computer
- 28 storage device is an original of the record for all purposes and is admissible in evidence without further foundation
- 29 in all courts or administrative agencies when the reproduction of the information is signed by a named custodian
- 30 of the record and the following certification appears on each page:

1 ~~_____ The individual named below, being a designated custodian of the driver records of the department of~~
2 ~~justice, motor vehicle division, certifies this document as a true reproduction, in accordance with 61-11-102(7),~~
3 ~~of the information contained in a computer storage device of the department of justice, motor vehicle division.~~

4 ~~_____ Signed:.....~~

5 ~~_____ (Print Full Name) department certifies the record.~~

6 (b) An order, record, or paper generated from the department's central database of electronic files of
7 individual Montana driving records may be certified electronically by the generating computer. The certification
8 must be a certification of the order, record, or paper as it appeared on a specific date.

9 (c) A court, an office of a clerk of court, or an attorney licensed to practice law in this state may receive
10 and use a computer-generated individual Montana driving record as evidence without further foundation when:

11 (i) the individual Montana driving record is electronically transmitted from the department's central
12 database of electronic individual Montana driving records to a department-authorized terminal device maintained
13 by the court, the office of the clerk of court, or the attorney; and

14 (ii) the judge, an officer of the court, or the attorney certifies that the record was not altered in any way.

15 ~~(8) The department may remove any individual Montana driving record from the active database of~~
16 ~~electronic files maintained under this section if there has been no change in license status on or additional reports~~
17 ~~of conviction to the record in the immediately preceding 16 years. Any individual driving record removed must be~~
18 ~~retained elsewhere by the department as an inactive record in an electronic storage device that is searchable and~~
19 ~~retrievable.~~

20 (8) (a) Except as provided in subsection (4), the department may destroy any individual Montana driving
21 record maintained under this section if there are no suspensions or revocations on the record and there has been
22 no renewed credential in the immediately preceding 16 years.

23 (b) The department shall adopt rules governing the destruction of records."

24
25 **Section 29.** Section 61-11-204, MCA, is amended to read:

26 **"61-11-204. Department's duties.** (1) If the records maintained by the department show that a person's
27 driving record brings the person within the definition of a habitual traffic offender, the department shall:

- 28 (a) declare the person a habitual traffic offender;
- 29 (b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and
- 30 (c) notify the person in writing of the declaration and revocation.

