

HOUSE BILL NO. 205

INTRODUCED BY A. REDFIELD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO REVENUE SOURCES FOR  
5 HIGHWAY FUNDING; PROVIDING FOR AN ANNUAL ELECTRIC VEHICLE AND HYBRID VEHICLE FEE TO  
6 BE DEPOSITED IN THE HIGHWAY STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR A TAX ON  
7 LIQUEFIED NATURAL GAS PLACED INTO THE SUPPLY TANK OF A MOTOR VEHICLE; REVISING THE TAX  
8 ON COMPRESSED NATURAL GAS AND LIQUEFIED PETROLEUM GAS PLACED INTO THE SUPPLY TANK  
9 OF A MOTOR VEHICLE; ~~PROVIDING FOR A ONE-TIME REGISTRATION FEE FOR BICYCLES OWNED BY~~  
10 ~~ADULTS TO FUND BICYCLE TRAIL MAINTENANCE~~; AMENDING SECTIONS ~~10-3-1307~~, 15-30-2131,  
11 15-50-207, 15-70-401, 15-70-701, 15-70-702, 15-70-703, 15-70-704, 15-70-705, 15-70-706, 15-70-707,  
12 15-70-711, 15-70-712, 15-70-713, 15-70-714, 15-70-715, 15-70-716, 15-70-717, 15-70-718, ~~23-1-105~~, 61-1-101,  
13 ~~61-3-342~~, 61-3-321, 61-3-456, 61-3-537, AND 61-3-562, ~~AND 61-6-158~~; MCA; AND PROVIDING A DELAYED  
14 EFFECTIVE DATE."  
15

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

17  
18 ~~Section 1. Section 10-3-1307, MCA, is amended to read:~~

19 ~~"10-3-1307. Responsibilities of department of transportation-- assessment and collection of fees~~  
20 ~~--issuance of permits-- inspection of motor carriers. (1) After receiving notification from the person or entity~~  
21 ~~that plans to ship high-level radioactive waste or transuranic waste through the state, the department of~~  
22 ~~transportation shall assess fees according to the following schedule:~~

23 ~~(a) a fee of \$2,500 must be assessed for each cask designed for transport by truck; and~~

24 ~~(b) a fee of \$4,500 must be assessed for the first cask designed for transport by rail and a fee of \$3,000~~  
25 ~~for each additional cask designed for transport by rail that is shipped by the same person or entity in the same~~  
26 ~~shipment.~~

27 ~~(2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns~~  
28 ~~the waste.~~

29 ~~(3) Upon receipt of the fees provided in subsection (1), the department of transportation shall issue to~~  
30 ~~the owner of the waste a permit that must be carried with the waste as it is traveling through the state.~~

1 ~~—— (4) The department of transportation shall deposit all of the fees collected under this section in the~~  
 2 ~~radioactive waste transportation monitoring, emergency response, and training account created in 10-3-1304.~~

3 ~~—— (5) If the waste is to be transported through the state by motor carrier, the department of transportation~~  
 4 ~~shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services~~  
 5 ~~division.~~

6 ~~—— (6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61,~~  
 7 ~~chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in~~  
 8 ~~Montana.~~

9 ~~—— (7) Fees under this section must be assessed regardless of ownership, and 61-3-321(14)(15) and~~  
 10 ~~61-10-127 do not apply."~~

11

12 **Section 1.** Section 15-30-2131, MCA, is amended to read:

13 **"15-30-2131. Deductions allowed in computing net income.** (1) In computing net income, there are  
 14 allowed as deductions:

15 (a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and  
 16 211 of the Internal Revenue Code, 26 U.S.C. 161 and 211, subject to the following exceptions, which are not  
 17 deductible:

18 (i) items provided for in 15-30-2133;

19 (ii) state income tax paid;

20 (iii) premium payments for medical care as provided in subsection (1)(g)(i);

21 (iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii); and

22 (v) a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift  
 23 annuity as defined in 33-20-701;

24 (b) federal income tax paid within the tax year, not to exceed \$5,000 for each taxpayer filing singly, head  
 25 of household, or married filing separately or \$10,000 if married and filing jointly;

26 (c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through  
 27 (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as  
 28 follows:

29 (i) expenses for household and dependent care services necessary for gainful employment incurred for:

30 (A) a dependent under 15 years of age for whom an exemption can be claimed;

1 (B) a dependent as allowable under 15-30-2114(5), except that the limitations for age and gross income  
2 do not apply, who is unable to provide self-care because of physical or mental illness; and  
3 (C) a spouse who is unable to provide self-care because of physical or mental illness;  
4 (ii) employment-related expenses incurred for the following services, but only if the expenses are incurred  
5 to enable the taxpayer to be gainfully employed:  
6 (A) household services that are attributable to the care of the qualifying individual; and  
7 (B) care of an individual who qualifies under subsection (1)(c)(i);  
8 (iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household  
9 is furnished by an individual or, if the individual is married during the applicable period, is furnished by the  
10 individual and the individual's spouse;  
11 (iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:  
12 (A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during  
13 the year only to the extent that the expenses do not exceed \$4,800;  
14 (B) expenses for services in the household are deductible under subsection (1)(c)(i) for  
15 employment-related expenses only if they are incurred for services in the taxpayer's household, except that  
16 employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if  
17 incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the  
18 expenses incurred during the year do not exceed:  
19 (I) \$2,400 in the case of one qualifying individual;  
20 (II) \$3,600 in the case of two qualifying individuals; and  
21 (III) \$4,800 in the case of three or more qualifying individuals;  
22 (v) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during  
23 which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by  
24 one-half of the excess of the combined adjusted gross income over \$18,000;  
25 (vi) for purposes of this subsection (1)(c):  
26 (A) married couples shall file a joint return or file separately on the same form;  
27 (B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred  
28 are deductible only if:  
29 (I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent  
30 that they are a direct result of the employment; or

- 1 (II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);
- 2 (C) an individual legally separated from the individual's spouse under a decree of divorce or of separate  
3 maintenance may not be considered as married;
- 4 (D) the deduction for employment-related expenses must be divided equally between the spouses when  
5 filing separately on the same form;
- 6 (E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year  
7 and payments made to an individual with respect to whom a deduction is allowable under 15-30-2114(5) are not  
8 deductible as employment-related expenses;
- 9 (d) in the case of an individual, political contributions determined in accordance with the provisions of  
10 section 218(a) and (b) of the Internal Revenue Code of 1954 (now repealed) that were in effect for the tax year  
11 that ended December 31, 1978;
- 12 (e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed  
13 as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;
- 14 (f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject to  
15 the conditions set forth in 15-30-2143;
- 16 (g) the entire amount of premium payments made by the taxpayer, except premiums deducted in  
17 determining Montana adjusted gross income, or for which a credit was claimed under 15-30-2366, for:
- 18 (i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the  
19 taxpayer's dependents, and the parents and grandparents of the taxpayer; and
- 20 (ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified  
21 long-term care services, as defined in 26 U.S.C. 7702B(c), for:
- 22 (A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or
- 23 (B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the  
24 taxpayer for tax years beginning after December 31, 1996;
- 25 (h) light vehicle registration fees, as provided for in 61-3-321(2)(a) and 61-3-562, paid during the tax  
26 year; and
- 27 (i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209,  
28 81-7-118, or 81-7-201.
- 29 (2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home  
30 or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child

1 and at least one unrelated child in the ordinary course of business may deduct employment-related expenses  
2 considered to have been paid for the care of the child.

3 (b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal  
4 to the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of  
5 care. The employment-related expenses apply regardless of whether any expenses actually have been paid.  
6 Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

7 (c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the  
8 deduction under this subsection (2)."

9

10 **Section 2.** Section 15-50-207, MCA, is amended to read:

11 **"15-50-207. Credit against other taxes -- credit for personal property taxes and certain fees.** (1) (a)

12 The additional license fees withheld or otherwise paid as provided in this chapter may be used as a credit on the  
13 contractor's corporate income tax provided for in chapter 31 of this title or on the contractor's income tax provided  
14 for in chapter 30, depending upon the type of tax the contractor is required to pay under the laws of the state.

15 (b) The credit allowed under this subsection (1) may be used as a carryforward against taxes imposed  
16 by chapter 30 or 31 for the 5 succeeding tax years. The entire amount of the credit not used in the year earned  
17 must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax  
18 year.

19 (2) Personal property taxes and the fee in lieu of tax on buses, trucks having a manufacturer's rated  
20 capacity of more than 1 ton, or truck tractors, as provided in 61-3-529, and the registration fee on light vehicles,  
21 as provided in 61-3-321(2)(a) and 61-3-562, paid in Montana on any personal property or vehicle of the contractor  
22 that is used in the business of the contractor and is located within this state may be credited against the license  
23 fees required under this chapter. However, in computing the tax credit allowed by this section against the  
24 contractor's income tax or corporate income tax, the tax credit against the license fees required under this chapter  
25 may not be considered as license fees paid for the purpose of the income tax or corporate income tax credit."

26

27 **Section 3.** Section 15-70-401, MCA, is amended to read:

28 **"15-70-401. Definitions.** As used in this part, the following definitions apply:

29 (1) "Agricultural use" means use of gasoline or special fuel by a person who earns income while  
30 engaging in the business of farming or ranching and who files farm or income reports for tax purposes as required

1 by the United States internal revenue service.

2 (2) "Aviation fuel" means gasoline or any other liquid fuel by whatever name the liquid fuel may be known  
3 or sold, compounded for use in and sold for use in aircraft, including but not limited to any and all gasoline or  
4 liquid fuel meeting or exceeding the minimum specifications prescribed by the United States for use by its military  
5 forces in aircraft.

6 (3) (a) "Biodiesel" means a fuel produced from monoalkyl esters of long-chain fatty acids derived from  
7 vegetable oils, renewable lipids, animal fats, or any combination of those ingredients. The fuel must meet the  
8 requirements of ASTM D6751, also known as the Standard Specification for Biodiesel Fuel (B100) Blend Stock  
9 for Distillate Fuels, as adopted by the American society for testing and materials.

10 (b) Biodiesel is also known as "B-100".

11 (4) "Bulk delivery" means placing gasoline or special fuel not intended for resale in storage or containers.  
12 The term does not mean gasoline or special fuel delivered into the supply tank of a motor vehicle.

13 (5) "Cardtrol" or "keylock" means a unique device intended to allow access to a fuel dealer's unattended  
14 pump or dispensing unit for the purpose of delivery of gasoline or special fuel to an authorized user of the unique  
15 device.

16 (6) "Department" means the department of transportation.

17 (7) (a) "Distributed" means the withdrawal of gasoline or special fuel from a refinery or terminal storage,  
18 other than by pipeline, by a licensed distributor for sale or use in this state, including:

19 (i) gasoline or special fuel refined, produced, manufactured, or compounded in this state and placed in  
20 storage tanks in this state;

21 (ii) gasoline or special fuel transferred from a refinery or pipeline terminal in this state and placed in tanks  
22 at the refinery or terminal; or

23 (iii) gasoline or special fuel imported into this state and placed in storage at a refinery or pipeline terminal.

24 (b) Gasoline or special fuel imported into this state, other than gasoline or special fuel placed in storage  
25 at a refinery or pipeline terminal, is considered to be distributed after it has arrived in and is brought to rest in this  
26 state.

27 (8) (a) "Distributor" means:

28 (i) a person who engages in the business in this state of producing, refining, manufacturing, or  
29 compounding gasoline or special fuel for sale, use, or distribution;

30 (ii) an importer who imports gasoline or special fuel for sale, use, or distribution;

1 (iii) a person who engages in the wholesale distribution of gasoline or special fuel in this state and  
2 chooses to become licensed to assume the Montana state gasoline tax or special fuel tax liability;

3 (iv) an exporter;

4 (v) a dealer licensed as of January 1, 1969, except a dealer at an established airport; or

5 (vi) a person in Montana who blends ethanol with gasoline.

6 (b) The term does not include a special biodiesel fuel producer who produces biodiesel from waste  
7 vegetable oil feedstock in this state for the operation of motor vehicles owned or controlled by the person on the  
8 public roads and highways of the state.

9 (9) "Ethanol" means nominally anhydrous ethyl alcohol that has been denatured as specified in 27 CFR,  
10 parts 20 and 21, and that meets the standards for ethanol adopted pursuant to 82-15-103.

11 (10) "Ethanol-blended gasoline" means gasoline blended with ethanol. The percentage of ethanol in the  
12 blend is identified by the letter "E" followed by the percentage number. A blend that is 10% denatured ethanol  
13 and 90% gasoline would be reflected as E-10. A blend that is 85% denatured ethanol and 15% gasoline would  
14 be reflected as E-85.

15 (11) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a  
16 motor vehicle, gasoline or special fuel received from a refinery or pipeline terminal within Montana.

17 (12) "Exporter" means a person who transports, other than in the fuel supply tank of a motor vehicle,  
18 gasoline or special fuel received from a refinery or pipeline terminal in Montana to a destination outside Montana  
19 for sale, use, or consumption outside Montana.

20 (13) (a) "Gasoline" includes:

21 (i) all petroleum products commonly or commercially known or sold as gasolines, including casinghead  
22 gasoline, natural gasoline, aviation fuel, and all flammable liquids composed of a mixture of selected  
23 hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal  
24 combustion engines; and

25 (ii) any other type of additive when the additive is mixed or blended into gasoline, regardless of the  
26 additive's classifications or uses.

27 (b) "Gasoline" does not include special fuels as defined in this section or compressed natural gas,  
28 liquefied natural gas, or liquefied petroleum gas as defined in 15-70-701.

29 (14) "Import" means to first receive gasoline or special fuel into possession or custody after its arrival and  
30 coming to rest at a destination within the state or to first receive any gasoline or special fuel shipped or

1 transported into this state from a point of origin outside this state other than in the fuel supply tank of a motor  
2 vehicle.

3 (15) "Importer" means a person who transports or arranges for the transportation of gasoline or special  
4 fuel into Montana for sale, use, or distribution.

5 (16) "Improperly imported fuel" means gasoline or special fuel that is:

6 (a) consigned to a Montana destination and imported into the state without the distributor first having  
7 obtained a Montana distributor license as required in 15-70-402; or

8 (b) delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15,  
9 chapter 70.

10 (17) "Motor vehicle" means all vehicles that are operated on the public roads and highways of this state  
11 and that are operated in whole or in part by the combustion of gasoline or special fuel.

12 (18) "Person" includes any person, firm, association, joint-stock company, syndicate, partnership, or  
13 corporation. Whenever the term is used in any clause prescribing and imposing a fine or imprisonment, or both,  
14 as applied to a firm, association, syndicate, or partnership, it includes the partners or members and, as applied  
15 to joint-stock companies and corporations, the officers.

16 (19) "Public roads and highways of this state" means all streets, roads, highways, and related structures:

17 (a) built and maintained with appropriated funds of the United States, the state of Montana, or any  
18 political subdivision of the state;

19 (b) dedicated to public use;

20 (c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or

21 (d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any  
22 political subdivision of the state.

23 (20) "Special biodiesel fuel producer" means a person who produces less than 2,500 gallons annually  
24 of biodiesel fuel from waste vegetable oil feedstock for the operation of motor vehicles owned or controlled by  
25 the person on the public roads and highways of the state.

26 (21) (a) "Special fuel" means those combustible gases and liquids commonly referred to as diesel fuel  
27 or any other volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test, ~~except liquid~~  
28 ~~petroleum gas~~, when actually sold for use in motor vehicles operating on the public roads and highways of this  
29 state. The term "special fuel" includes biodiesel and additives of all types when the additive is mixed or blended  
30 into special fuel, regardless of the additive's classifications or uses.



1           **(b) The term does not include compressed natural gas, liquefied natural gas, or liquefied petroleum gas**  
2 **as defined in 15-70-701.**

3           (22) (a) "Special fuel user" means a person who consumes special fuel for the operation of motor vehicles  
4 owned or controlled by the person on the public roads and highways of this state.

5           (b) The term does not include:

6           (i) the U.S. government, a state, a county, an incorporated city or town, or a school district of this state;  
7 or

8           (ii) a special biodiesel fuel producer who produces biodiesel from waste vegetable oil feedstock for the  
9 operation of motor vehicles owned or controlled by the person on the public roads and highways of this state.

10           (23) "Use" means the operation of a motor vehicle on the public roads and highways of this state or of  
11 any political subdivision of this state.

12           (24) "Waste vegetable oil" means used cooking oil gathered from restaurants or commercial food  
13 processors."  
14

15           **Section 4.** Section 15-70-701, MCA, is amended to read:

16           **"15-70-701. Definitions.** As used in this part, the following definitions apply:

17           (1) "Bond" means:

18           (a) a bond executed by a compressed natural gas dealer, a liquefied natural gas dealer, or a liquefied  
19 petroleum gas dealer as principal with a corporate surety qualified under the laws of Montana, payable to the  
20 state of Montana, conditioned upon performance of all requirements of this part, including the payment of all  
21 taxes, penalties, and other obligations of the compressed natural gas dealer, the liquefied natural gas dealer, or  
22 the liquefied petroleum gas dealer arising out of this part; or

23           (b) a deposit with the department by the compressed natural gas dealer, the liquefied natural gas dealer,  
24 or the liquefied petroleum gas dealer, under terms and conditions that the department may prescribe, of  
25 certificates of deposit or irrevocable letters of credit issued by a bank and insured by the federal deposit insurance  
26 corporation.

27           (2) "Compressed natural gas" means a product that is used as a fuel and that contains carbon or  
28 hydrogen, or both, and is compressed to greater than 24 pounds per square inch absolute base pressure and  
29 up to 3,600 pounds per square inch absolute base pressure when sold for use in motor vehicles operated on the  
30 public roads and highways of this state.

1 (3) "Compressed natural gas dealer" or "dealer" means a person who delivers any part of compressed  
2 natural gas into the fuel supply tank or tanks of a motor vehicle.

3 (4) "Department" means the department of transportation.

4 (5) "Liquefied natural gas" means natural gas sold for use in motor vehicles that has been cooled to -259  
5 degrees F and, when condensed into liquid, is colorless, odorless, noncorrosive, and nontoxic.

6 (6) "Liquefied natural gas dealer" or "dealer" means a person who delivers any part of liquefied natural  
7 gas into the fuel supply tank or tanks of a motor vehicle.

8 ~~(5)(7)~~ "Liquefied petroleum gas" means any petroleum product that is sold for use in motor vehicles and  
9 that is composed predominantly of any of the following hydrocarbons or mixtures of hydrocarbons:

10 (a) propane;

11 (b) propylene;

12 (c) butane, including normal butane or isobutane; or

13 (d) butylene.

14 ~~(6)(8)~~ "Liquefied petroleum gas dealer" or "dealer" means a person who delivers any part of liquefied  
15 petroleum gas into the fuel supply tank or tanks of a motor vehicle.

16 ~~(7)(9)~~ "Motor vehicle" means any vehicle that is self-propelled by compressed natural gas, by liquefied  
17 natural gas, or by liquefied petroleum gas and that is driven upon the public roads and highways of this state.

18 ~~(8)(10)~~ (a) "Person" means a person, firm, association, joint-stock company, syndicate, partnership, or  
19 corporation.

20 (b) When used in any clause prescribing and imposing a fine or imprisonment, or both, as applied to a  
21 firm, association, syndicate, or partnership, person means the partners or members of a firm, association,  
22 syndicate, or partnership. As applied to a joint-stock company or corporation, the term means the officers of the  
23 joint-stock company or corporation.

24 ~~(9)(11)~~ "Public roads and highways of this state" means all streets, roads, highways, and related  
25 structures that are:

26 (a) built and maintained with appropriated funds of the United States, the state of Montana, or any  
27 political subdivision of the state;

28 (b) dedicated to public use;

29 (c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or

30 (d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any

1 political subdivision of the state."  
2

3 **Section 5.** Section 15-70-702, MCA, is amended to read:

4 **"15-70-702. Compressed natural gas dealer's, liquefied natural gas dealer's, or liquefied**  
5 **petroleum gas dealer's license.** A person may not act as a compressed natural gas dealer, as a liquefied  
6 natural gas dealer, or as a liquefied petroleum gas dealer in this state unless the person holds a valid compressed  
7 natural gas dealer's license, a valid liquefied natural gas dealer's license, or a valid liquefied petroleum gas  
8 dealer's license issued by the department."  
9

10 **Section 6.** Section 15-70-703, MCA, is amended to read:

11 **"15-70-703. Application for license.** An application for a compressed natural gas dealer's license, a  
12 liquefied natural gas dealer's license, or a liquefied petroleum gas dealer's license must be filed on a form  
13 prescribed by the department. The application must contain information that the department considers  
14 necessary."  
15

16 **Section 7.** Section 15-70-704, MCA, is amended to read:

17 **"15-70-704. Bonding, release of surety, and additional bond.** (1) Except as provided in this section,  
18 a compressed natural gas dealer's license, a liquefied natural gas dealer's license, or a liquefied petroleum gas  
19 dealer's license may not be issued to a person and may not be continued in force unless the person has furnished  
20 a bond, in a form prescribed by the department, to secure the dealer's compliance with this part and has paid all  
21 taxes, interest, and penalties due under this part. The department shall waive the bond requirement of a  
22 compressed natural gas dealer, a liquefied natural gas dealer, or a liquefied petroleum gas dealer who is not  
23 subject to the provisions of subsection (2)(a) or (2)(b).

24 (2) The total amount of the bond or bonds required must be equivalent to twice the compressed natural  
25 gas dealer's, the liquefied natural gas dealer's, or the liquefied petroleum gas dealer's estimated quarterly tax  
26 payments but may not be less than \$1,000 for any compressed natural gas dealer, liquefied natural gas dealer,  
27 or liquefied petroleum gas dealer who:

28 (a) requests a compressed natural gas dealer's license, a liquefied natural gas dealer's license, or a  
29 liquefied petroleum gas dealer's license to be reissued after the license was canceled for cause; or

30 (b) fails to file timely reports and pay the tax due as required by 15-70-714.

1 (3) A surety on a bond furnished as provided in this section must be released and discharged from any  
 2 liability to the state accruing on the bond after 30 days from the date when the surety has provided to the  
 3 department a written request to be released and discharged. However, this provision may not operate to relieve,  
 4 release, or discharge the surety from any liability already accrued or that accrues before the expiration of the  
 5 30-day period. Upon receiving a release request, the department shall promptly notify the compressed natural  
 6 gas dealer, the liquefied natural gas dealer, or the liquefied petroleum gas dealer who furnished the bond, and  
 7 unless the dealer, on or before the expiration of the 30-day period, files a new bond in accordance with the  
 8 requirements of this section or makes a deposit in lieu of a bond as described in 15-70-701(1)(b), the department  
 9 shall cancel the dealer's license.

10 (4) The department may require a compressed natural gas dealer, a liquefied natural gas dealer, or a  
 11 liquefied petroleum gas dealer to give a new or additional surety bond or to deposit additional securities pursuant  
 12 to 15-70-701(1)(b) if the department determines that the security of the surety bond previously filed by the dealer  
 13 or the market value of the property deposited as security by the dealer is impaired or inadequate. If the  
 14 compressed natural gas dealer, the liquefied natural gas dealer, or the liquefied petroleum gas dealer fails to give  
 15 an additional surety bond or to deposit additional securities within 30 days after being requested to do so by the  
 16 department, the department shall cancel the dealer's license."

17

18 **Section 8.** Section 15-70-705, MCA, is amended to read:

19 **"15-70-705. Issuance of license -- grounds for refusal -- hearing.** (1) Except as provided in  
 20 subsection (2), upon receipt of the application and bond in proper form, the department shall issue to the  
 21 applicant a license to act as a compressed natural gas dealer, as a liquefied natural gas dealer, or as a liquefied  
 22 petroleum gas dealer. A license is valid until suspended, revoked for cause, or otherwise canceled.

23 (2) The department may refuse to issue a compressed natural gas dealer's license, a liquefied natural  
 24 gas dealer's license, or a liquefied petroleum gas dealer's license to any person:

25 (a) who formerly held a license that, prior to the time of filing the application, has been revoked for cause;

26 (b) who is not the real party in interest, and the license of the real party in interest has been revoked for  
 27 cause prior to the time of filing the application; or

28 (c) upon other sufficient cause being shown.

29 (3) Before refusing to issue a license, the department shall grant the applicant a hearing and shall  
 30 provide the dealer with at least 10 days' written notice of the time and place of hearing.

1 (4) A compressed natural gas dealer's license, a liquefied natural gas dealer's license, or a liquefied  
 2 petroleum gas dealer's license is not transferable."

3

4 **Section 9.** Section 15-70-706, MCA, is amended to read:

5 **"15-70-706. Revocation of license -- notice.** (1) The department may revoke the license of any  
 6 compressed natural gas dealer, liquefied natural gas dealer, or liquefied petroleum gas dealer for reasonable  
 7 cause. Before revoking a license, the department shall notify the licensee of the department's intent to revoke  
 8 the license. The notice must be made by certified mail addressed to the licensee's last-known address shown  
 9 in the files of the department. The notice must include a statement that the licensee has the right to appear before  
 10 the department at a time specified in the notice and to show cause, if any, why the license should not be revoked.  
 11 The time specified by the department may not be more than 30 days or less than 10 days from the date of the  
 12 notice. At any time prior to and during the hearing, the department may in the exercise of reasonable discretion  
 13 suspend the license.

14 (2) Upon revocation of a license, the licensee shall immediately surrender the license to the department  
 15 for cancellation."

16

17 **Section 10.** Section 15-70-707, MCA, is amended to read:

18 **"15-70-707. Cancellation of license upon surrender.** The department shall cancel a license to act as  
 19 a compressed natural gas dealer, as a liquefied natural gas dealer, or as a liquefied petroleum gas dealer  
 20 immediately upon surrender of the license by the licensee."

21

22 **Section 11.** Section 15-70-711, MCA, is amended to read:

23 **"15-70-711. Tax on compressed natural gas -- tax on liquefied petroleum gas -- tax on liquefied**  
 24 **natural gas.** (1) Each compressed natural gas dealer shall collect the tax on compressed natural gas from the  
 25 user at the time that the compressed natural gas is placed into the supply tank of a motor vehicle.

26 (2) (a) The total tax due on compressed natural gas is computed according to the formula provided in  
 27 subsection (2)(b).

28 (b)  $T = (R/V) \times TV$ , where:

29 (i) T is the total tax due;

30 (ii) R is ~~7-cents~~ the rate established in 15-70-403(1)(a);

1 (iii) V is ~~420~~ 123.57 cubic feet of compressed natural gas at 14.73 pounds per square inch absolute base  
2 pressure; and

3 (iv) TV is the total volume of compressed natural gas placed into the supply tank of a motor vehicle.

4 (3) The compressed natural gas dealer shall pay the tax to the department as provided in 15-70-714.

5 (4) Each liquefied petroleum gas dealer shall collect the tax on liquefied petroleum gas from the user at  
6 the time that the liquefied petroleum gas is placed into the supply tank of a motor vehicle.

7 (5) (a) The total tax due on liquefied petroleum gas is computed according to the formula provided in  
8 subsection (5)(b).

9 (b) ~~T = (C/G) x TG~~ T = (R x 0.73) x G, where:

10 (i) T is the total tax due;

11 (ii) ~~C is 5.18 cents~~ R is the rate established in 15-70-403(1)(a);

12 (iii) G is ~~1 gallon of liquefied petroleum gas~~; and

13 ~~(iv) TG is the total gallons of liquefied petroleum gas placed into the supply tank of a motor vehicle.~~

14 (6) The liquefied petroleum gas dealer shall pay the tax to the department as provided in 15-70-714.

15 (7) Each liquefied natural gas dealer shall collect the tax on liquefied natural gas from the user at the time  
16 that the liquefied natural gas is placed into the supply tank of a motor vehicle.

17 (8) (a) The total tax due on liquefied natural gas is computed according to the formula provided in  
18 subsection (8)(b).

19 (b) T = (R x 0.60) x G, where:

20 (i) T is the total tax due;

21 (ii) R is the rate established in 15-70-403(1)(b); and

22 (iii) G is the total gallons of liquefied natural gas placed into the supply tank of a motor vehicle.

23 (9) The liquefied natural gas dealer shall pay the tax to the department as provided in 15-70-714.

24 (10) When no Montana tax has been paid by a dealer or any other person, the department shall collect  
25 or cause to be collected from the owners or operators of motor vehicles operating on the public roads and  
26 highways of this state a tax equal to the tax rates provided for in subsections (2), (5), and (8), for compressed  
27 natural gas, liquefied natural gas, and liquefied petroleum gas. The tax must be paid for each gallon of  
28 compressed natural gas, liquefied natural gas, or liquefied petroleum gas sold or used to produce motor power  
29 to operate motor vehicles on the public roads and highways of this state.

30 ~~(7)(11)~~ (11) The United States, the state of Montana, and any political subdivision of this state are exempt

1 from the levy and imposition of this tax."

2

3 **Section 12.** Section 15-70-712, MCA, is amended to read:

4 **"15-70-712. Recordkeeping.** (1) Each compressed natural gas dealer, each liquefied natural gas dealer,  
5 each liquefied petroleum gas dealer, and each person importing, manufacturing, refining, dealing in, transporting,  
6 or storing compressed natural gas, liquefied natural gas, or liquefied petroleum gas in this state shall keep all  
7 records, receipts, invoices, and other pertinent documents that the department may require and shall produce  
8 them for the inspection of the department at any time during regular business hours.

9 (2) The records, receipts, invoices, and other pertinent documents must be kept for a period of at least  
10 3 years from the date on which the return to which they relate was required to have been made."

11

12 **Section 13.** Section 15-70-713, MCA, is amended to read:

13 **"15-70-713. Examination of records -- enforcement -- reciprocity.** (1) The department shall enforce  
14 the provisions of this part.

15 (2) The department or its authorized representative may examine the records, receipts, invoices,  
16 documents, and equipment of any compressed natural gas dealer, any liquefied natural gas dealer, any liquefied  
17 petroleum gas dealer, or any person importing, manufacturing, refining, dealing in, transporting, or storing  
18 compressed natural gas, liquefied natural gas, or liquefied petroleum gas and may investigate the character of  
19 the disposition that any person makes of compressed natural gas, liquefied natural gas, or liquefied petroleum  
20 gas in order to determine whether all taxes due under this part are being properly reported and paid. If the  
21 records, receipts, invoices, documents, and equipment are not maintained in this state at the time of demand,  
22 they must be furnished at the direction of the department or at the business location of the dealer or other person  
23 and must, if requested by the department, be accompanied by the dealer or other person.

24 (3) The department shall, upon request from an official who is responsible for the enforcement of the  
25 compressed natural gas tax law, the liquefied natural gas tax law, or the liquefied petroleum gas tax law of any  
26 other state, the District of Columbia, the United States, a territory or possession of the United States, or a  
27 province of Canada, forward to the official any information that it has relative to the receipt, storage, delivery, sale,  
28 use, or other disposition of compressed natural gas, liquefied natural gas, or liquefied petroleum gas by any  
29 compressed natural gas dealer, liquefied natural gas dealer, or liquefied petroleum gas dealer if the other  
30 governmental entity furnishes similar information to the department."

1

2           **Section 14.** Section 15-70-714, MCA, is amended to read:

3           **"15-70-714. Returns required -- payment.** (1) For the purpose of determining the amount of liability for  
4 the tax due under this part, a compressed natural gas dealer, a liquefied natural gas dealer, and a liquefied  
5 petroleum gas dealer shall file with the department a quarterly tax return on forms prescribed by the department.

6           (2) The dealer shall file the return on or before the last day of the next calendar month following the  
7 quarter to which it relates. For good cause, the department may grant a taxpayer a reasonable extension of time  
8 for filing, but the extension may not exceed 30 days.

9           (3) The tax return must be accompanied by payment of the amount of tax due under 15-70-711 for  
10 compressed natural gas, liquefied natural gas, or liquefied petroleum gas sold during the preceding quarter."

11

12           **Section 15.** Section 15-70-715, MCA, is amended to read:

13           **"15-70-715. Penalties for refusal or failure to file return or pay tax when due.** (1) If a compressed  
14 natural gas dealer, a liquefied natural gas dealer, or a liquefied petroleum gas dealer refuses or fails to file a  
15 return required by this part within the time prescribed by 15-70-103 and 15-70-714, there is imposed a penalty  
16 of \$25 or a sum equal to 10% of the tax due, whichever is greater, together with interest at the rate of 1% on the  
17 tax due for each calendar month or fraction of a month during which the refusal or failure continues. If a  
18 compressed natural gas dealer, a liquefied natural gas dealer, or a liquefied petroleum gas dealer establishes  
19 to the satisfaction of the department that the failure to file a return within the time prescribed was due to  
20 reasonable cause, the department shall waive the penalty imposed by this section.

21           (2) Whenever a compressed natural gas dealer, a liquefied natural gas dealer, or a liquefied petroleum  
22 gas dealer files a return but fails to pay in whole or in part the tax due under this part, there must be added to the  
23 unpaid amount due interest at the rate of 1% a month or fraction of a month from the date on which the tax was  
24 due to the date of payment in full."

25

26           **Section 16.** Section 15-70-716, MCA, is amended to read:

27           **"15-70-716. Deficiency -- penalty.** If the department determines that the tax reported by a compressed  
28 natural gas dealer, a liquefied natural gas dealer, or a liquefied petroleum gas dealer is deficient, the department  
29 shall assess the deficiency on the basis of information available to the department. There must be added to the  
30 deficiency interest on the deficient amount at the rate of 1% a month or fraction of a month from the date on which



1 the return was due."

2

3 **Section 17.** Section 15-70-717, MCA, is amended to read:

4 **"15-70-717. Determination if no return made -- penalty -- presumption.** (1) If a compressed natural  
5 gas dealer, a liquefied natural gas dealer, or a liquefied petroleum gas dealer, whether or not the dealer is  
6 licensed, fails, neglects, or refuses to file a compressed natural gas tax return, a liquefied natural gas tax return,  
7 or a liquefied petroleum gas tax return when due, the department shall, on the basis of information available to  
8 the department, determine the tax liability of the compressed natural gas dealer, the liquefied natural gas dealer,  
9 or the liquefied petroleum gas dealer for the period during which a return was not filed and add to the tax  
10 determined the penalty and interest provided for in 15-70-715.

11 (2) An assessment made by the department pursuant to 15-70-715, 15-70-716, or this section is  
12 presumed to be correct. Whenever the validity of the assessment is in question, the burden is on the person who  
13 challenges the assessment to establish by a preponderance of the evidence that it is erroneous or excessive."

14

15 **Section 18.** Section 15-70-718, MCA, is amended to read:

16 **"15-70-718. Fraudulent return -- penalty.** If a compressed natural gas dealer, a liquefied natural gas  
17 dealer, or a liquefied petroleum gas dealer files a fraudulent return with intent to evade the tax imposed by this  
18 part:

19 (1) there must be added to the amount of deficiency determined by the department a penalty equal to  
20 25% of the deficiency, together with interest at the rate of 1% a month or fraction of a month on the deficiency  
21 from the date on which the tax was due to the date of payment. The penalty and interest are in addition to all other  
22 penalties prescribed by law.

23 (2) the person is guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less  
24 than \$100 or more than \$2,000 or imprisonment of not less than 30 days or more than 6 months, or both."

25

26 ~~Section 20.~~ Section 23-1-105, MCA, is amended to read:

27 ~~"23-1-105. Fees and charges -- use of motor vehicle registration fee.~~ (1) The department may levy  
28 and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided  
29 and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money  
30 derived from the activities of the department, except as provided in subsection (5), must be deposited in the state

1 ~~treasury in a state special revenue fund to the credit of the department.~~

2 ~~———(2) Overnight camping fees established by the department under subsection (1) must be discounted 50%~~  
 3 ~~for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of~~  
 4 ~~age or older or certified as disabled in accordance with rules adopted by the department.~~

5 ~~———(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the~~  
 6 ~~time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered~~  
 7 ~~by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not~~  
 8 ~~allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered~~  
 9 ~~owner.~~

10 ~~———(4) Money received from the collection of fees and charges is subject to the deposit requirements of~~  
 11 ~~17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant~~  
 12 ~~to 17-6-105(8).~~

13 ~~———(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing~~  
 14 ~~state park visitor services revenue. The fund is to be used by the department to serve the recreating public by~~  
 15 ~~providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational,~~  
 16 ~~commemorative, and interpretive merchandise and other related goods and services at department sites and~~  
 17 ~~facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise~~  
 18 ~~and other related goods and services and from donations. Gross revenue from the sale of educational,~~  
 19 ~~commemorative, and interpretive merchandise and other related goods and services must be deposited in the~~  
 20 ~~fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided~~  
 21 ~~in this subsection.~~

22 ~~———(6) In recognition of the fact that individuals support state parks through the payment of certain motor~~  
 23 ~~vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a)(20)(a) may not be required to~~  
 24 ~~pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such~~  
 25 ~~as overnight camping fees, are still chargeable and may be collected by the department.~~

26 ~~———(7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a)(20)(a) on or~~  
 27 ~~after January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and~~  
 28 ~~operation of state parks."~~

29

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (8) "Commercial driver's license" means:
- 2 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate
- 3 a class of commercial motor vehicle; or
- 4 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid
- 5 commercial driver's license.
- 6 (9) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
- 7 commerce to transport passengers or property if the vehicle:
- 8 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
- 9 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
- 10 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
- 11 greater;
- 12 (iii) is designed to transport at least 16 passengers, including the driver;
- 13 (iv) is a school bus; or
- 14 (v) is of any size and is used in the transportation of hazardous materials.
- 15 (b) The following vehicles are not commercial motor vehicles:
- 16 (i) an authorized emergency vehicle:
- 17 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and
- 18 (B) operated when responding to or returning from an emergency call or operated in another official
- 19 capacity;
- 20 (ii) a vehicle:
- 21 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
- 22 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
- 23 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles
- 24 of the farm, including any area within that perimeter that is in the adjoining state; and
- 25 (C) not used to transport goods for compensation or for hire; or
- 26 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
- 27 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
- 28 personnel in part-time national guard training, and national guard military technicians, or active duty United States
- 29 coast guard personnel.
- 30 (c) For purposes of this subsection (9):

- 1 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or  
2 crops or the raising of livestock owned by or under the direct control of that person;
- 3 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight  
4 of a combination or articulated vehicle;
- 5 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of  
6 a single vehicle; and
- 7 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 8 (10) "Commission" means the state transportation commission.
- 9 (11) "Custom-built motorcycle" means a motorcycle that is equipped with:
- 10 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been  
11 altered from the manufacturer's original design; or
- 12 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been  
13 constructed in whole or in part from nonoriginal materials.
- 14 (12) "Custom vehicle" means a motor vehicle other than a motorcycle that:
- 15 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or  
16 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current  
17 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least  
18 25 years old; and
- 19 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal  
20 materials.
- 21 (13) "Customer identification number" means:
- 22 (a) a driver's license or identification card number when the customer is an individual who has been  
23 issued a driver's license or identification card by a state driver licensing authority;
- 24 (b) a federal employer or tax identification number when the customer is a business entity that has been  
25 issued a federal employer or tax identification number;
- 26 (c) the identification number assigned by the secretary of state to a business entity authorized to do  
27 business in this state under Title 35 if the customer is a business entity that does not have a federal employer  
28 or tax identification number other than a social security number; or
- 29 (d) if the customer has not been issued one of the numbers described in subsections (13)(a) through  
30 (13)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

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

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

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

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

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

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

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

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

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

18 (a) an individual establishes residence;

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

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

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

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

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

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

29 (a) any temporary license or instruction permit;

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

1 (c) any nonresident's driving privilege;

2 (d) a motorcycle endorsement; or

3 (e) a commercial driver's license.

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

7 (23) "Electric vehicle" means a motor vehicle that is powered by an electric motor drawing current from  
8 rechargeable storage batteries, fuel cells, or other portable sources of electrical current. The term does not  
9 include a low-speed electric vehicle or a medium-speed electric vehicle.

10 ~~(23)~~(24) "For hire" means an action performed for remuneration of any kind, whether paid or promised,  
11 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from  
12 which a remuneration is obtained or derived for transportation service.

13 ~~(24)~~(25) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person  
14 or persons and golf equipment and that has an average speed of less than 15 miles per hour.

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

17 ~~(25)~~(26) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load  
18 on the vehicle.

19 ~~(26)~~(27) "Hazardous material" means:

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

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

23 ~~(27)~~(28) "Highway" or "public highway" means the entire width between the boundary lines of every  
24 publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes  
25 of vehicular travel.

26 ~~(28)~~(29) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make  
27 arrests for violations of traffic regulations.

28 (30) "Hybrid vehicle" means a motor vehicle with a hybrid propulsion system that operates on both an  
29 alternative fuel, including electricity, and traditional fuel.

30 ~~(29)~~(31) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and

1 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

2 ~~(30)~~(32) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

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

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

6 ~~(31)~~(33) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility  
7 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

8 ~~(32)~~(34) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be  
9 transported, that:

10 (a) has four wheels;

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

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

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

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

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

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

21 ~~(33)~~(35) "Low-speed restricted driver's license" means a license or permit limited to the operation of a  
22 low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

23 (a) a temporary license or instruction permit;

24 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of  
25 61-5-122, whether or not the person holds a valid driver's license; and

26 (c) a nonresident's similarly restricted driving privilege.

27 ~~(34)~~(36) "Manufactured home" has the meaning provided in 15-24-201.

28 ~~(35)~~(37) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,  
29 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular  
30 business.



1           ~~(36)~~(38) "Manufacturer's certificate of origin" means the original paper record produced and issued by  
2 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and  
3 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must  
4 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of  
5 ownership of the vehicle to the person or persons named in the certificate.

6           ~~(37)~~(39) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be  
7 transported, that:

8           (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

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

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

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

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

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

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

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

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

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

23           ~~(38)~~(40) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

24           ~~(39)~~(41) "Montana resident" means:

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

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

28           ~~(40)~~(42) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any  
29 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal  
30 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

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

3 ~~(41)~~(43) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed  
4 by a court that are operating motor vehicles on a public highway in this state for the transportation of property for  
5 hire on a commercial basis.

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

7 ~~(42)~~(44) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and  
8 that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one  
9 or more attachments and a seat for the conveyance of a passenger.

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

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

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

15 ~~(43)~~(45) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that  
16 produces 5 horsepower or less.

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

19 ~~(44)~~(46) "Motor home" means a motor vehicle:

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

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

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

25 (i) cooking, refrigeration, or icebox;

26 (ii) self-contained toilet;

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

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

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

30 ~~(45)~~(47) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be

1 transported, that:

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

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

4 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a  
5 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

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

11 ~~(46)~~(48) (a) "Motor vehicle" means:

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

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

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

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

21 ~~(47)~~(49) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal  
22 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person  
23 as the result of a retail sale.

24 ~~(48)~~(50) "Nonresident" means a person who is not a Montana resident.

25 ~~(49)~~(51) (a) "Not used for general transportation purposes" means the operation of a motor vehicle  
26 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or  
27 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional transportation  
28 activity.

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

1           ~~(50)~~(52) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country  
2 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to  
3 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land  
4 transportation deriving motive power from any source other than muscle or wind.

5           (b) The term does not include:

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

7           (ii) snowmobiles; or

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

10          ~~(51)~~(53) "Operator" means a person who is in actual physical control of a motor vehicle.

11          ~~(52)~~(54) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an  
12 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions  
13 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the  
14 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,  
15 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the  
16 person in whom is vested the right of possession or control.

17          ~~(53)~~(55) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

18          ~~(54)~~(56) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine  
19 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person  
20 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the  
21 vessel.

22          ~~(55)~~(57) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and  
23 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the  
24 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or  
25 structural members capable generally of sustaining themselves as beams between the supporting connections.

26          ~~(56)~~(58) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for  
27 violations of traffic regulations.

28          ~~(57)~~(59) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,  
29 having a seat or saddle on which the operator sits and a motor capable of producing not more than 50  
30 horsepower.

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

2 ~~(58)~~(60) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on  
3 stationary rails.

4 ~~(59)~~(61) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars  
5 coupled to the engine, that is operated on rails.

6 (b) The term does not include streetcars.

7 ~~(60)~~(62) "Recreational vehicle" includes a motor home, travel trailer, or camper.

8 ~~(64)~~(63) "Registration" or "register" means the act or process of creating an electronic record, maintained  
9 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a  
10 registration decal for a specific vehicle, the ownership of which has been established or is presumed in  
11 department records.

12 ~~(62)~~(64) "Registration decal" means an adhesive sticker produced by the department and issued by the  
13 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole  
14 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the  
15 registration period indicated on the sticker as recorded by the department under 61-3-101.

16 ~~(63)~~(65) "Registration receipt" means a paper record that is produced and issued or, if authorized by the  
17 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer  
18 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title  
19 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the  
20 vehicle for the registration period indicated in the receipt.

21 ~~(64)~~(66) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,  
22 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes  
23 other than resale.

24 ~~(65)~~(67) "Revocation" means the termination by action of the department of a person's driver's license,  
25 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license  
26 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or  
27 exercised. An application for a new license may be presented and acted on by the department after the expiration  
28 of the period of the revocation.

29 ~~(66)~~(68) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
30 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,

1 the term refers to any roadway separately but not to all roadways collectively.

2 ~~(67)~~(69) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

4 ~~(68)~~(70) "School zone" means an area near a school beginning at the school's front door, encompassing  
5 the campus and school property, and including the streets directly adjacent to the school property and for as  
6 many blocks surrounding the school as determined by the local authority establishing a special speed limit under  
7 61-8-310(1)(d).

8 ~~(69)~~(71) "Sell" means to transfer ownership from one person to another person or from a dealer to  
9 another person for consideration.

10 ~~(70)~~(72) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed  
11 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and  
12 that of its load rests on or is carried by another vehicle.

13 ~~(71)~~(73) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding  
14 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that  
15 is not otherwise registered or licensed under the laws of the state of Montana.

16 ~~(72)~~(74) "Special mobile equipment" means a vehicle not designed for the transportation of persons or  
17 property on the highways but incidentally operated or moved over the highways, including road construction or  
18 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is  
19 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this  
20 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

21 ~~(73)~~(75) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

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

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

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

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

3 ~~(74)(76)~~ (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that  
4 is constructed on a truck chassis or that has special features for occasional off-road use.

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

6 ~~(75)(77)~~ (a) "Stop", when required, means complete cessation from movement.

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

10 ~~(76)(78)~~ "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the  
11 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when  
12 space at the dealer's established place of business is not available.

13 ~~(77)(79)~~ "Street" means the entire width between the boundary lines of every publicly maintained way  
14 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

15 ~~(78)(80)~~ "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

20 ~~(79)(81)~~ "Suspension" means the temporary withdrawal by action of the department of a person's driver's  
21 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's  
22 license for a period of time designated by law.

23 ~~(80)(82)~~ "Temporary registration permit" means a paper record:

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

27 (i) required vehicle and owner information; and

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

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

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

3 ~~(81)~~(83) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other  
4 conveyances either singly or together while using any highways for purposes of travel.

5 ~~(82)~~(84) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed  
6 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests  
7 on the towing vehicle.

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

9 ~~(83)~~(85) "Transaction summary receipt" means an electronic record produced and issued by the  
10 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be  
11 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record  
12 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction  
13 described in the receipt on the electronic record of title maintained under 61-3-101.

14 ~~(84)~~(86) "Travel trailer" means a vehicle:

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

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

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

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

20 ~~(85)~~(87) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the  
21 transportation of property.

22 ~~(86)~~(88) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles  
23 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

24 ~~(87)~~(89) "Under the influence" has the meaning provided in 61-8-401.

25 ~~(88)~~(90) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or  
26 given away or had its title transferred from the person who first took title to it from the manufacturer, importer,  
27 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what  
28 is commonly known as "secondhand" within the ordinary meaning of that term.

29 ~~(89)~~(91) "Van" means a motor vehicle designed for the transportation of at least six persons and not more  
30 than nine persons and intended for but not limited to family or personal transportation without compensation.



1           ~~(90)~~(92) (a) "Vehicle" means a device in, on, or by which any person or property may be transported or  
2 drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or  
3 tracks.

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

7           ~~(91)~~(93) "Vehicle identification number" means the number, letters, or combination of numbers and letters  
8 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for  
9 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

10          ~~(92)~~(94) "Vessel" means every description of watercraft, unless otherwise defined by the department,  
11 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

12          ~~(93)~~(95) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of  
13 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a  
14 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or  
15 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."  
16

17          ~~Section 22.~~ Section 61-3-312, MCA, is amended to read:

18          ~~"61-3-312. Renewal of registration -- exceptions -- grace period.~~ (1) Except as provided in 61-3-313  
19 and 61-3-721, the registration of a motor vehicle under this chapter must be renewed on or before the last day  
20 of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration.

21          ~~(2) A person may renew a motor vehicle's registration by submitting full payment for the fees or taxes~~  
22 ~~required under 61-3-303 and 61-3-321(13)(14) to the department, an authorized agent, or a county treasurer in~~  
23 ~~any county of this state.~~

24          ~~(3) The department, an authorized agent, or a county treasurer shall use the online motor vehicle liability~~  
25 ~~insurance verification system provided in 61-6-157 to verify proof of compliance with 61-6-301.~~

26          ~~(4) Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be~~  
27 ~~retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration~~  
28 ~~receipt is valid for the registration period for which it is issued.~~

29          ~~(5) The owner of a motor vehicle subject to registration renewal under the provisions of this section is~~  
30 ~~considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment~~

1 for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department,  
 2 an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's  
 3 registration period.

4 ~~\_\_\_\_\_ (6) The department, an authorized agent, or a county treasurer may not renew the registration of a motor~~  
 5 ~~vehicle for which ownership has been transferred and that was originally registered without being titled under the~~  
 6 ~~provisions of 61-3-303(3)(b) unless:~~

7 ~~\_\_\_\_\_ (a) the previously issued certificate of title has been surrendered to the department, an authorized agent,~~  
 8 ~~or the county treasurer and the process for issuing a certificate of title has been completed; or~~

9 ~~\_\_\_\_\_ (b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and~~  
 10 ~~bond in support of the application for a certificate of title as permitted in 61-3-208."~~

11

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

13 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**  
 14 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon  
 15 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,  
 16 semitrailers, ~~and~~ AND pole trailers, ~~and bicycles~~ as provided in subsections (2) through ~~(20)~~ ~~(21)~~ (20).

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

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

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

21 ~~(c)(iii)~~ if the vehicle is 11 or more years old, \$28.

22 (b) An additional fee must be collected as provided in this subsection for an electric vehicle and a hybrid  
 23 vehicle. The fee is \$300 for an electric vehicle and \$150 for a hybrid vehicle and must be collected annually on  
 24 all electric vehicles and hybrid vehicles, including those permanently registered under 61-3-562. THE ADDITIONAL  
 25 FEE WILL INCREASE \$6 FOR EVERY CENT THE GASOLINE TAX IN 15-70-403(1)(A) INCREASES OVER 27 CENTS FOR EACH  
 26 GALLON OF GASOLINE DISTRIBUTED BY THE DISTRIBUTOR WITHIN THE STATE. The fee must be deposited in the highway  
 27 revenue account in the state special revenue fund to the credit of the department of transportation.

28 (3) Except as provided in subsection ~~(15)~~ ~~(16)~~ (15), the one-time registration fee based on the declared  
 29 weight of a trailer, semitrailer, or pole trailer is as follows:

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

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

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

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

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

7 (5) Except as provided in subsection ~~(15)~~ ~~(16)~~ (15), the one-time registration fee for off-highway vehicles  
8 other than a quadricycle or motorcycle is \$61.25.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (9) Except as provided in subsection ~~(15)~~ ~~(16)~~ (15), the one-time registration fee for travel trailers, based  
29 on the length of the travel trailer, is as follows:

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

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

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

4 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,  
5 \$65.50;

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

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

9 (11) (a) Except as provided in subsections (11)(b) and ~~(15) (16) (15)~~, the one-time registration fee for a  
10 snowmobile is \$60.50.

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

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

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

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

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

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

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

23 ~~(13) The one-time registration fee for a bicycle, as defined in 61-8-102, owned by a person who is 18~~  
24 ~~years of age or older is \$15. Upon receipt of the fee, the department shall issue the owner a decal, which must~~  
25 ~~be displayed visibly on the bicycle. The fee must be deposited in the highway revenue account in the state special~~  
26 ~~revenue fund to the credit of the department of transportation and used for the maintenance of bicycle trails.~~

27 ~~(13)(14)(13)~~ (a) Except as provided in subsection ~~(13)(b) (14)(b) (13)(B)~~, a fee of \$10 must be collected  
28 when a new set of standard license plates, a new single standard license plate, or a replacement set of special  
29 license plates required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply  
30 when previously issued license plates are transferred under 61-3-335. All registration fees imposed under this

1 section must be paid if the vehicle to which the plates are transferred is not currently registered.

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

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

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

13 ~~(15)~~ ~~(16)~~ (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,  
14 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,  
15 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle  
16 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the  
17 fees imposed under this section.

18 ~~(16)~~ ~~(17)~~ (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this  
19 section.

20 ~~(17)~~ ~~(18)~~ (17) Except as otherwise provided in this section, revenue collected under this section must be  
21 deposited in the state general fund.

22 ~~(18)~~ ~~(19)~~ (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer  
23 for the enumerated vehicles or vessels that constitute inventory of the dealership.

24 ~~(19)~~ ~~(20)~~ (19) (a) Unless a person exercises the option in either subsection ~~(19)(b)~~ or ~~(19)(c)~~ ~~(20)(b)~~ or  
25 ~~(20)(c)~~ (19)(B) OR (19)(C), an additional fee of \$6 must be collected for each light vehicle registered under this  
26 part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be  
27 deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and  
28 for the operation of state-owned facilities. Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37  
29 for state parks, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia  
30 City and Nevada City.

1 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person  
 2 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election  
 3 not to pay the additional \$6 fee provided for in subsection ~~(19)(a)~~ ~~(20)(a)~~ (19)(A). If a written election is made, the  
 4 fee may not be collected.

5 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify  
 6 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may  
 7 make a written election not to pay the additional \$6 fee provided for in subsection ~~(19)(a)~~ ~~(20)(a)~~ (19)(A). If a  
 8 written election is made, the fee may not be collected at any subsequent annual registration unless the person  
 9 makes the written election to pay the additional fee on one or more of the light vehicles.

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

12 ~~(20)(21)(20)~~ For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,  
 13 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be  
 14 collected and forwarded to the state for deposit in the account established in 44-1-504.

15 ~~(21)(22)(21)~~ This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is  
 16 governed by 61-3-721."  
 17

18 **Section 21.** Section 61-3-456, MCA, is amended to read:

19 **"61-3-456. Registration of motor vehicle owned and operated by Montana resident on active**  
 20 **military duty stationed outside Montana.** (1) As an incentive for military service, an owner of a motor vehicle,  
 21 trailer, semitrailer, or pole trailer who is a Montana resident who entered active military duty from Montana,  
 22 including a national guard or reserve member, and who is stationed outside Montana may file with the department  
 23 an application for the registration of the motor vehicle, trailer, semitrailer, or pole trailer. The application must be  
 24 sworn to before an officer authorized to administer oaths. The application must state:

25 (a) the name and address of the owner;

26 (b) the make, the gross weight, the year and number of the model, and the manufacturer's identification  
 27 number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer; and

28 (c) that the motor vehicle, trailer, semitrailer, or pole trailer is owned and operated by a Montana resident  
 29 who meets the qualifications of subsection (1) and is on active military duty and stationed outside Montana.

30 (2) The registration fee for a motor vehicle, trailer, semitrailer, or pole trailer registered under subsection

1 (1) is as provided in 61-3-321.

2 (3) A motor vehicle, trailer, semitrailer, or pole trailer registered under this section is not subject to:

3 (a) the taxes or fees described in 61-3-303(5);

4 (b) the fee in lieu of tax under 61-3-529 or the registration fee under 61-3-321(2)(a) or 61-3-562; or

5 (c) any of the fees provided in part 5 of this chapter."

6

7 **Section 22.** Section 61-3-537, MCA, is amended to read:

8 **"61-3-537. Local option motor vehicle tax.** (1) A county may impose a local option motor vehicle tax  
9 on motor vehicles subject to the registration fee imposed under 61-3-321(2)(a) or 61-3-562 at a rate of up to 0.7%  
10 of the value determined under 61-3-503 or a local flat fee, in addition to the fee imposed under 61-3-321(2)(a)  
11 or 61-3-562.

12 (2) A local option motor vehicle tax or flat fee is payable at the same time and in the same manner as  
13 the fee imposed under 61-3-321(2)(a) or 61-3-562. The tax or fee is distributed as follows:

14 (a) 50% to the county; and

15 (b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned  
16 on the basis of population. The distribution to a city or town is determined by multiplying the amount of money  
17 available by the ratio of the population of the city or town to the total county population. The distribution to the  
18 county is determined by multiplying the amount of money available by the ratio of the population of unincorporated  
19 areas within the county to the total county population.

20 (3) The governing body of a county may impose, revise, or revoke a local option motor vehicle tax or flat  
21 fee if the imposition, revision, or revocation of the tax or fee is approved by the electorate of the county. The  
22 imposition, revision, or revocation of the tax or fee is effective on January 1 following its approval by the  
23 electorate. The county governing body by resolution may provide for the distribution of the local option motor  
24 vehicle tax or flat fee."

25

26 **Section 23.** Section 61-3-562, MCA, is amended to read:

27 **"61-3-562. Permanent registration -- transfer of light vehicle ownership -- rules.** (1) (a) The owner  
28 of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-321(2)(a), may  
29 permanently register the light vehicle upon payment of a \$87.50 registration fee, the applicable registration and  
30 license fees under 61-3-412, if applicable, the administrative fee and the annual one-time-only donation fee for

1 a generic specialty license plate under 61-3-480 or collegiate license plates under 61-3-465, and an amount equal  
2 to five times the local option motor vehicle tax or flat fee on vehicles under 61-3-537 and, as applicable, either:

3 (i) (A) the original fee and four times the renewal fee for personalized plates; or

4 (B) five times the renewal fees for personalized plates; or

5 (ii) if a new set of license plates is not being issued, an insurance verification fee of \$5, which must be  
6 deposited in the account established under 61-6-158.

7 (b) The following series of license plates may not be used for purposes of permanent registration of a  
8 light vehicle:

9 (i) Montana national guard license plates issued under 61-3-458(2)(b);

10 (ii) reserve armed forces license plates issued under 61-3-458(2)(c); and

11 (iii) amateur radio operator license plates issued under 61-3-422.

12 (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated  
13 capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under  
14 61-10-201.

15 (3) ~~The~~ Except as provided in 61-3-321(2)(b), the owner of a motor vehicle that is permanently registered  
16 under this section is not subject to additional registration fees or to other motor vehicle registration fees described  
17 in this section for as long as the owner owns the vehicle.

18 (4) The county treasurer shall once each month remit to the state the amounts collected under this  
19 section, other than the local option motor vehicle tax or flat fee, for the purposes of 61-3-321(2) and 61-10-201.  
20 The county treasurer shall retain the local option motor vehicle tax or flat fee.

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

24 (b) Upon transfer of a light vehicle registered under this section to a new owner, the new owner shall  
25 apply for a certificate of title under 61-3-201 and 61-3-216 and register the light vehicle under 61-3-303."

26

27 ~~Section 27. Section 61-6-158, MCA, is amended to read:~~

28 ~~"61-6-158. Vehicle insurance verification and license plate operating account. (1) There is a vehicle~~  
29 ~~insurance verification and license plate operating account in the state special revenue fund type as provided in~~  
30 ~~47-2-102.~~



1 ~~———(2) Fees imposed under 61-3-321(7)(b)(ii) and (13) (14), 61-3-333, 61-3-465(1)(b)(i), 61-3-480(2)(c)(i),~~  
2 ~~or 61-3-562(1)(a)(ii) or established and collected under 61-6-105 must be deposited in the account.~~

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

7

8 NEW SECTION. **Section 24. Effective date.** [This act] is effective January 1, 2018.

9

- END -