

HOUSE BILL NO. 412

INTRODUCED BY B. HAMLETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MOTOR VEHICLE REGISTRATION TRAUMATIC BRAIN INJURY DONATION LAWS; PROVIDING FOR THE USE OF THE FUNDS TO EDUCATE AND SUPPORT INDIVIDUALS AND FAMILIES LIVING WITH TRAUMATIC BRAIN INJURIES; CHANGING THE CONTRIBUTION TO AN AUTOMATIC DONATION WITH AN OPT-OUT PROVISION; AMENDING SECTIONS 2-15-2218 AND 61-3-303, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

**Section 1.** Section 2-15-2218, MCA, is amended to read:

**"2-15-2218. Traumatic brain injury account.** (1) There is a traumatic brain injury account in the state special revenue fund ~~for purposes of traumatic brain injury prevention, education, and support.~~

(2) Money in this account may be used by the department of public health and human services ~~to fund the advisory council and to provide grants for public information and prevention education regarding traumatic brain injury for funding activities that educate and support recovery of individuals and families living with traumatic brain injuries, including military service personnel, promoting brain injury prevention, and supporting the traumatic brain injury advisory council.~~

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

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

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

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



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

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

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

11 (b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and 61-3-220(4)  
12 and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer, semitrailer, pole  
13 trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for which the new  
14 owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate  
15 of title. The new owner shall request the 90-day temporary registration permit from the authorized agent or county  
16 treasurer that originally issued the temporary registration permit.

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

19 (a) update the electronic record of title, if any, maintained for the vehicle by the department under  
20 61-3-101;

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

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

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

24 and

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

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

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

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

- 1 (ii) a motor home under 61-3-321;
- 2 (iii) a travel trailer under 61-3-321;
- 3 (iv) a motorcycle or quadricycle under 61-3-321;
- 4 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under  
5 61-3-321 and 61-3-529; or
- 6 (vi) a trailer under 61-3-321;
- 7 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote  
8 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact  
9 anatomical gifts; and
- 10 (c) ~~a unless the person opts out of the donation, an automatic donation of \$1 or more if the person~~  
11 ~~indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic~~  
12 ~~brain injury to fund activities that educate and support recovery of individuals and families living with traumatic~~  
13 ~~brain injuries, including military personnel, to promote brain injury prevention, and to support the traumatic brain~~  
14 ~~injury advisory council.~~
- 15 (6) The county treasurer or an authorized agent may not issue a registration receipt or license plates for  
16 the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required  
17 by subsection (5).
- 18 (7) The department may make full and complete investigation of the registration status of the motor  
19 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole  
20 trailer under this section shall provide additional information to support the registration to the department if  
21 requested.
- 22 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded  
23 by the respective county treasurer or an authorized agent to the department for deposit in the state special  
24 revenue fund to the credit of an account established by the department of public health and human services to  
25 support activities related to awareness and education efforts for procurement of organ and tissue donations for  
26 anatomical gifts.
- 27 (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or  
28 collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer  
29 that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the  
30 travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who

1 registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel  
2 trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is  
3 transferred or unless it was registered under 61-3-701.

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

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

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

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16 NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2020.

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