

HOUSE BILL NO. 412

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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; PROVIDING FOR
NOTICE; AMENDING SECTIONS 2-15-2218 ~~AND~~ 61-3-303, AND 61-3-315, 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.

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

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

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

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

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

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

22 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
23 61-3-101;

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

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

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

27 and

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

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

- 1 (a) the fees in lieu of tax or registration fees as required for:
- 2 (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee
- 3 under 61-3-537 or 61-3-570;
- 4 (ii) a motor home under 61-3-321;
- 5 (iii) a travel trailer under 61-3-321;
- 6 (iv) a motorcycle or quadricycle under 61-3-321;
- 7 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
- 8 61-3-321 and 61-3-529; or
- 9 (vi) a trailer under 61-3-321;
- 10 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
- 11 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
- 12 anatomical gifts; and
- 13 (c) ~~(i) a~~ (i) unless the person opts out of the donation, an automatic donation of \$1 ~~or more if the person~~
- 14 ~~indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic~~
- 15 ~~brain injury to fund activities that educate and support recovery of individuals and families living with traumatic~~
- 16 ~~brain injuries, including military personnel, to promote brain injury prevention, and to support the traumatic brain~~
- 17 ~~injury advisory council.~~
- 18 (ii) THE COUNTY TREASURER SHALL POST ON A STANDARD 8 1/2 X 11 INCHES IN SIZE PIECE OF PAPER THE TEXT
- 19 OF SUBSECTION (5)(C)(I) IN A LOCATION OR LOCATIONS WHERE A PERSON REGISTERING A MOTOR VEHICLE, TRAILER,
- 20 SEMITRAILER, OR POLE TRAILER CAN READ THE NOTICE.
- 21 (6) The county treasurer or an authorized agent may not issue a registration receipt or license plates for
- 22 the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required
- 23 by subsection (5).
- 24 (7) The department may make full and complete investigation of the registration status of the motor
- 25 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole
- 26 trailer under this section shall provide additional information to support the registration to the department if
- 27 requested.
- 28 (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded
- 29 by the respective county treasurer or an authorized agent to the department for deposit in the state special
- 30 revenue fund to the credit of an account established by the department of public health and human services to

1 support activities related to awareness and education efforts for procurement of organ and tissue donations for
2 anatomical gifts.

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

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

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

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

21

22 **SECTION 3. SECTION 61-3-315, MCA, IS AMENDED TO READ:**

23 **"61-3-315. Rules -- early renewal.** The department shall adopt rules for the implementation and
24 administration of the registration of motor vehicles under this chapter. The rules adopted by the department
25 pursuant to this section must allow for:

26 (1) early renewal of registration for motor vehicles when an owner of a motor vehicle presents
27 extenuating circumstances;

28 (2) simultaneous registration of multiple motor vehicles that have common ownership;

29 (3) provision of notice of the text of 61-3-303(5)(c)(i) with the mail renewal notice from the department;

30 ~~(3)~~(4) verification of compliance with 61-6-301 before registering or renewing a registration of a vehicle

1 or issuing new license plates required by 61-3-332(3);
2 ~~(4)~~(5) automated mailing of license plates by the department or its authorized agent, including an agent
3 under contract with the department pursuant to 61-3-338; and
4 ~~(5)~~(6) devising a method to place license plates that are issued on or before January 1, 2010, and
5 renewed on or after January 1, 2010, on the 5-year reissuance cycle in a manner that minimizes production peaks
6 and valleys."

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8 NEW SECTION. **Section 4. Effective date.** [This act] is effective January 1, 2020.

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