

HOUSE BILL NO. 412

INTRODUCED BY B. HAMLETT, K. ABBOTT, D. ANKNEY, M. CAFERRO, M. CUFFE, W. CURDY,
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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; CREATING A SUICIDE
PREVENTION ACCOUNT; CHANGING THE CONTRIBUTION TO AN AUTOMATIC DONATION WITH AN
OPT-OUT PROVISION; PROVIDING FOR NOTICE; PROVIDING APPROPRIATIONS; 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:

NEW SECTION. SECTION 1. SUICIDE PREVENTION ACCOUNT. (1) THERE IS A SUICIDE PREVENTION ACCOUNT
IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES.

(2) THE ACCOUNT RECEIVES ALLOCATIONS PURSUANT TO 61-3-303.

(3) MONEY IN THE ACCOUNT MAY ONLY BE USED TO FUND SUICIDE PREVENTION EFFORTS IN THE STATE.

Section 2. 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 3. 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



1 resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways
2 of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the owner is
3 domiciled. A nonresident who has an interest in real property in Montana may register in the county where the
4 real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public
5 highways of this state.

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

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

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

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

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

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

27 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
28 61-3-101;

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

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

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

2 and

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

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

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

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

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

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

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

12 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under
13 61-3-321 and 61-3-529; or

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

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

18 (c) ~~(i) a~~ unless the person opts out of the donation, an automatic donation of \$1 or more if the person
19 ~~indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic~~
20 ~~brain injury to fund activities that educate and support recovery of individuals and families living with traumatic~~
21 ~~brain injuries, including military personnel, to promote brain injury prevention, and to support the traumatic brain~~
22 ~~injury advisory council, AND TO REDUCE THE SUICIDE RATE IN MONTANA.~~

23 (ii) THE COUNTY TREASURER SHALL POST ON A STANDARD 8 1/2 X 11 INCHES IN SIZE PIECE OF PAPER THE TEXT
24 OF SUBSECTION (5)(C)(I) IN A LOCATION OR LOCATIONS WHERE A PERSON REGISTERING A MOTOR VEHICLE, TRAILER,
25 SEMITRAILER, OR POLE TRAILER CAN READ THE NOTICE.

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

29 (7) The department may make full and complete investigation of the registration status of the motor
30 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole

1 trailer under this section shall provide additional information to support the registration to the department if
2 requested.

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

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

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

19 (10) ~~(A)~~ Revenue that accrues from the ~~voluntary~~ donation provided in subsection (5)(c) must be
20 forwarded by the respective county treasurer or an authorized agent to the department for deposit in the ~~state~~
21 ~~special revenue fund to the credit of the~~ traumatic brain injury account established in 2-15-2218 AND TO THE
22 SUICIDE PREVENTION ACCOUNT ESTABLISHED IN [SECTION 1].

23 (B) REVENUE COLLECTED IN EACH FISCAL YEAR IS ALLOCATED AS FOLLOWS:

24 (I) THE FIRST \$150,000 TO THE TRAUMATIC BRAIN INJURY ACCOUNT ESTABLISHED IN 2-15-2218;

25 (II) THE NEXT \$150,000 TO THE SUICIDE PREVENTION ACCOUNT ESTABLISHED IN [SECTION 1]; AND

26 (III) ANY EXCESS REVENUE TO THE TRAUMATIC BRAIN INJURY ACCOUNT ESTABLISHED IN 2-15-2218 ~~to support~~
27 ~~activities related to education regarding prevention of traumatic brain injury.~~

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

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SECTION 4. SECTION 61-3-315, MCA, IS AMENDED TO READ:

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

- (1) early renewal of registration for motor vehicles when an owner of a motor vehicle presents extenuating circumstances;
- (2) simultaneous registration of multiple motor vehicles that have common ownership;
- (3) provision of notice of the text of 61-3-303(5)(c)(i) with the mail renewal notice from the department;
- ~~(3)~~(4) verification of compliance with 61-6-301 before registering or renewing a registration of a vehicle or issuing new license plates required by 61-3-332(3);
- ~~(4)~~(5) automated mailing of license plates by the department or its authorized agent, including an agent under contract with the department pursuant to 61-3-338; and
- ~~(5)~~(6) devising a method to place license plates that are issued on or before January 1, 2010, and renewed on or after January 1, 2010, on the 5-year reissuance cycle in a manner that minimizes production peaks and valleys."

NEW SECTION. SECTION 5. APPROPRIATIONS. (1) FOR THE BIENNIUM BEGINNING JULY 1, 2019, THERE IS APPROPRIATED \$600,000 FROM THE TRAUMATIC BRAIN INJURY ACCOUNT ESTABLISHED IN 2-15-2218 TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE PURPOSES DESCRIBED IN THAT SECTION.

(2) FOR THE BIENNIUM BEGINNING JULY 1, 2019, THERE IS APPROPRIATED \$300,000 FROM THE SUICIDE PREVENTION ACCOUNT ESTABLISHED IN [SECTION 1] TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE PURPOSES DESCRIBED IN THAT SECTION.

NEW SECTION. Section 6. Effective date. [This act] is effective January 1, 2020.

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