

SENATE BILL NO. 242

INTRODUCED BY R. WEBB

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FEE STRUCTURE FOR STATE PARKS, FISHING ACCESS SITES, AND STATE-OWNED PROPERTIES; ESTABLISHING A WINDSHIELD DECAL FOR PURCHASE; ELIMINATING THE OPT-OUT LIGHT VEHICLE REGISTRATION FEE; AND AMENDING SECTIONS 23-1-105 AND 61-3-321, MCA."

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

**Section 1.** Section 23-1-105, MCA, is amended to read:

**"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department. [This state special revenue fund is subject to legislative fund transfer.]

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

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

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

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by

1 providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational,  
 2 commemorative, and interpretive merchandise and other related goods and services at department sites and  
 3 facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise  
 4 and other related goods and services and from donations. Gross revenue from the sale of educational,  
 5 commemorative, and interpretive merchandise and other related goods and services must be deposited in the  
 6 fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided  
 7 in this subsection.

8 ~~(6) (a) In recognition of the fact that individuals support state parks through the payment of certain motor~~  
 9 ~~vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be~~ The department  
 10 shall annually offer for sale windshield decals that allow access to state parks for each vehicle to which a decal  
 11 is attached. A person who purchases a windshield decal is not required to pay a day-use fee for access to state  
 12 parks during the year for which the decal is valid.

13 (b) Decals may be purchased when a vehicle is registered pursuant to 61-3-321(19) and at any other  
 14 places designated by the department. The first decal is \$35, and each subsequent decal purchased by that  
 15 registered light vehicle owner is \$20.

16 (c) The fees from decals must be distributed as provided in 61-3-321(19).

17 (d) Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are  
 18 still chargeable and may be collected by the department.

19 ~~(7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or after~~  
 20 ~~January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and operation~~  
 21 ~~of state parks. (Bracketed language in subsection (1) terminates June 30, 2019--sec. 28, Ch. 6, Sp. L. November~~  
 22 ~~2017.)"~~

23

24 **Section 2.** Section 61-3-321, MCA, is amended to read:

25 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**  
 26 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon  
 27 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,  
 28 semitrailers, and pole trailers as provided in subsections (2) through (20).

29 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under  
 30 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging

1 trucks that weigh 1 ton or less is as follows:

- 2 (i) if the vehicle is 4 or less years old, \$217;  
3 (ii) if the vehicle is 5 through 10 years old, \$87; and  
4 (iii) if the vehicle is 11 or more years old, \$28.

5 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years  
6 old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

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

- 9 (i) if the declared weight is less than 6,000 pounds, \$61.25; or  
10 (ii) if the declared weight is 6,000 pounds or more, \$148.25.

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

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

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

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

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

20 (7) (a) Except as provided in subsection (7)(c), the annual registration fee for a motor home, based on  
21 the age of the motor home, is as follows:

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

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

- 28 (i) a one-time registration fee of \$237.50;  
29 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be  
30 deposited in the account established under 61-6-158;

1 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and  
2 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate  
3 license plate under 61-3-465.

4 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years  
5 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           ~~(19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of~~  
 2 ~~\$6 must be collected for each light vehicle registered under this part. At the time of registration, a person may~~  
 3 ~~purchase windshield decals provided for in 23-1-105. The first decal is \$35 and each subsequent decal~~  
 4 ~~purchased by that registered light vehicle owner is \$20. This fee~~ These fees must be accounted for and  
 5 transmitted separately from the registration fee. The ~~fee~~ fees must be deposited in an account in the state special  
 6 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.  
 7 Of the ~~\$6 fee~~ fee revenue, the department of fish, wildlife, and parks shall use ~~\$5.37~~ for state parks [or as  
 8 otherwise appropriated by the legislature]; what remains after the following allocations:

9           ~~(a)~~ (a) 25 cents for fishing access sites; and

10           ~~(b)~~ (b) 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

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

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

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

22           (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,  
 23 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$10 must be  
 24 collected and forwarded to the state for deposit in the account established in 44-1-504.

25           (21) (a) If a person exercises the option in subsection (21)(b), an additional fee of \$5 must be collected  
 26 for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from  
 27 the registration fee. The fee must be deposited in an account in the state special revenue fund. Funds in the  
 28 account are statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be  
 29 allocated as provided in 60-3-309.

30           (b) A person who registers one or more light vehicles may, at the time of annual registration, make a

1 written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

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

4 (23) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in  
5 subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle  
6 division administration account established in 61-3-112.

7 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of  
8 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current  
9 fiscal year appropriation for the motor vehicle division administration account established in 61-3-112. (Bracketed  
10 language terminates June 30, 2019--sec. 21, Ch. 351, L. 2017.)"

11 - END -