

1 HOUSE BILL NO. 83

2 INTRODUCED BY J. DOOLING

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VEHICLE LAWS; REVISING SPECIAL
6 PARKING PERMIT EXPIRATION DATES; REVISING CERTAIN DEFINITIONS; REVISING TRAVEL TRAILER
7 STANDARDS; REVISING ODOMETER REPORTING REQUIREMENTS; AND AMENDING SECTIONS 49-4-
8 305, 61-1-101, AND 61-3-206, MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 **Section 1.** Section 49-4-305, MCA, is amended to read:

13 **"49-4-305. Expiration of permit.** (1) Except as provided in 49-4-303 and subsection (2) of this
14 section, a special parking permit expires on the occurrence of either of the following:

15 (a) ~~3~~ 5 years from the date of issuance, unless the permit was issued to a person who has a condition
16 expected to improve within 6 months. A person may renew a permit if a licensed physician, a licensed
17 chiropractor, or a licensed advanced practice registered nurse, as provided in 37-8-202, certifies that the
18 person's mobility disability still exists and that one of the criteria specified in 49-4-301 continues to be met.

19 (b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice
20 registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301
21 can no longer be met.

22 (2) A permit issued before October 1, 1993, expires on the earlier of:

23 (a) the death of the permittee; ~~or~~

24 (b) certification by a licensed physician, a licensed chiropractor, or a licensed advanced practice
25 registered nurse that the person's mobility disability no longer exists or that the criteria specified in 49-4-301
26 can no longer be met; or-

27 (c) October 1, 2022."
28

1 **Section 2.** Section 61-1-101, MCA, is amended to read:

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

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

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

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

16 (3) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or roll
17 hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

18 (4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
19 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
20 transportation of persons for compensation.

21 (5) (a) "Business entity" means a corporation, association, partnership, limited liability partnership,
22 limited liability company, or other legal entity recognized under state law.

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

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

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

28 (7) "CDLIS driver record" means the electronic record of a person's commercial driver's license status

1 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

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

6 (9) "Commercial driver's license" means:

7 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to
8 operate a class of commercial motor vehicle; or

9 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a
10 valid commercial driver's license.

11 (10) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
12 commerce to transport passengers or property if the vehicle:

13 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
14 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

15 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
16 greater;

17 (iii) is designed to transport at least 16 passengers, including the driver;

18 (iv) is a school bus; or

19 (v) is of any size and is used in the transportation of hazardous materials.

20 (b) The following vehicles are not commercial motor vehicles:

21 (i) an authorized emergency vehicle:

22 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

23 (B) operated when responding to or returning from an emergency call or operated in another official
24 capacity;

25 (ii) a vehicle:

26 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the
27 farmer;

28 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within

1 Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana,
2 within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

3 (C) not used to transport goods for compensation or for hire; or

4 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
5 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
6 personnel in part-time national guard training, and national guard military technicians, or active duty United
7 States coast guard personnel.

8 (c) For purposes of this subsection (10):

9 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land
10 or crops or the raising of livestock owned by or under the direct control of that person;

11 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded
12 weight of a combination or articulated vehicle;

13 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight
14 of a single vehicle; and

15 (iv) "school bus" has the meaning provided in 49 CFR 383.5.

16 (11) "Commission" means the state transportation commission.

17 (12) "Custom-built motorcycle" means a motorcycle that is equipped with:

18 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
19 altered from the manufacturer's original design; or

20 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
21 constructed in whole or in part from nonoriginal materials.

22 (13) "Custom vehicle" means a motor vehicle other than a motorcycle that:

23 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

24 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
25 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at
26 least 25 years old; and

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

1 (14) "Customer identification number" means:

2 (a) a driver's license or identification card number when the customer is an individual who has been
3 issued a driver's license or identification card by a state driver licensing authority;

4 (b) a federal employer or tax identification number when the customer is a business entity that has
5 been issued a federal employer or tax identification number;

6 (c) the identification number assigned by the secretary of state to a business entity authorized to do
7 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
8 or tax identification number other than a social security number; or

9 (d) if the customer has not been issued one of the numbers described in subsections (14)(a) through
10 (14)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

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

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

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

18 (ii) employees of the persons included in subsection (15)(b)(i) when engaged in the specific
19 performance of their duties as employees; or

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

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

23 (17) "Department" means the department of justice acting directly or through its duly authorized
24 officers or agents.

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

27 (19) "Domiciled" means a place where:

28 (a) an individual establishes residence;

- 1 (b) a business entity maintains its principal place of business;
- 2 (c) the business entity's registered agent maintains an address; or
- 3 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
- 4 or pole trailer that it owns or leases.
- 5 (20) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as
- 6 maintained by the department on the individual Montana driving record and the CDLIS driver record for that
- 7 person.
- 8 (21) "Driver" means a person who drives or is in actual physical control of a vehicle.
- 9 (22) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by
- 10 the laws of this state, including:
- 11 (a) any temporary license or learner license;
- 12 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid
- 13 license;
- 14 (c) any nonresident's driving privilege;
- 15 (d) a motorcycle endorsement; or
- 16 (e) a commercial driver's license.
- 17 (23) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is
- 18 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
- 19 maximum speed of the device to 12 $\frac{1}{2}$ miles an hour.
- 20 (24) "For hire" means an action performed for remuneration of any kind, whether paid or promised,
- 21 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements
- 22 from which a remuneration is obtained or derived for transportation service.
- 23 (25) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person
- 24 or persons and golf equipment and that has an average speed of less than 15 miles per hour.
- 25 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory
- 26 liability insurance requirements under this title.
- 27 (26) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on
- 28 the vehicle.

1 (27) "Hazardous material" means:

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

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

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

8 (29) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
9 arrests for violations of traffic regulations.

10 (30) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
11 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

12 (31) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

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

14 or

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

17 (32) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
18 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

19 (33) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported,
20 that:

21 (a) has four wheels;

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

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

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

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

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

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

4 (34) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed
5 electric vehicle or a golf cart issued under or granted by the laws of this state, including:

6 (a) a temporary license or learner license;

7 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of 61-
8 5-122, whether or not the person holds a valid driver's license; and

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

10 (35) "Manufactured home" has the meaning provided in 15-24-201.

11 (36) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
12 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a
13 regular business.

14 (37) "Manufacturer's certificate of origin" means the original paper record produced and issued by the
15 manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
16 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
17 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
18 ownership of the vehicle to the person or persons named in the certificate.

19 (38) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be
20 transported, that:

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

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

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

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

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

28 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle

1 identification number as provided in 49 CFR, part 565;

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

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

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

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

8 (39) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

9 (40) "Montana resident" means:

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

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

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

16 ~~(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast
17 guard or any successor federal agency.~~ (a) "Motor carrier" means a person or corporation or its lessees,
18 trustees, or receivers appointed by a court that are operating motor vehicles on a public highway in this state for
19 the transportation of property for hire on a commercial basis.

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

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

24 ~~(b) The term does not include motor carriers regulated under Title 69, chapter 12.~~ "Motor home"
25 means a motor vehicle:

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

28 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2

1 ~~standard~~ NFPA 1192 STANDARD ON RECREATIONAL VEHICLES; and

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

3 (i) cooking, refrigeration, or icebox;

4 (ii) self-contained toilet;

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

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

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

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

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

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

14 ~~(d) The term includes an autocycle.~~

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

17 (a) "Motor vehicle" means:

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

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

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

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

27 (44) ~~(a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that~~
 28 ~~produces 5 horsepower or less.~~

1 ~~(b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized~~
 2 ~~nonstandard vehicle. (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by~~
 3 ~~any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the~~
 4 ~~principal source of propulsion. The term includes boats temporarily equipped with detachable motors or~~
 5 ~~engines.~~

6 ~~(b) The term does not include a vessel that has a valid marine document issued by the United States~~
 7 ~~coast guard or any successor federal agency.~~

8 (45) ~~"Motor home" means a motor vehicle:~~

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

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

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

14 ~~(i) cooking, refrigeration, or icebox;~~

15 ~~(ii) self-contained toilet;~~

16 ~~(iii) heating or air conditioning, or both;~~

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

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

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

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

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

25 ~~(d) The term includes an autocycle.~~

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

28 (46) ~~(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 17-~~
5 ~~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~~
7 ~~a "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~~
10 ~~for use by a physically disabled person. (a) "Motor-driven cycle" means a motorcycle, including a motor~~
11 ~~scooter, with a motor that produces 5 horsepower or less.~~

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

14 (47) (a) ~~"Motor vehicle" means:~~

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

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

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

20 (b) ~~The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal~~
21 ~~assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered,~~
22 ~~mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is~~
23 ~~used as a means of mobility for that person. (a) "Motorized nonstandard vehicle" means a vehicle, on or by~~
24 which a person may be transported, that:

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

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

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

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

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

6 (48) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or
7 equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as
8 the result of a retail sale.

9 (49) "Nonresident" means a person who is not a Montana resident.

10 (50) (a) "Not used for general transportation purposes" means the operation of a motor vehicle
11 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
12 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional
13 transportation activity.

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

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

20 (b) The term does not include:

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

22 (ii) snowmobiles; or

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

25 (52) "Operator" means a person who is in actual physical control of a motor vehicle.

26 (53) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
27 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
28 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the

1 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
2 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
3 person in whom is vested the right of possession or control.

4 (54) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

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

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

12 (57) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
13 violations of traffic regulations.

14 (58) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
15 having a seat or saddle on which the operator sits.

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

17 (59) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
18 stationary rails.

19 (60) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
20 coupled to the engine, that is operated on rails.

21 (b) The term does not include streetcars.

22 (61) "Recreational vehicle" includes a motor home, travel trailer, or camper.

23 (62) "Registration" or "register" means the act or process of creating an electronic record, maintained
24 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a
25 registration decal for a specific vehicle, the ownership of which has been established or is presumed in
26 department records.

27 (63) "Registration decal" means an adhesive sticker produced by the department and issued by the
28 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole

1 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
2 registration period indicated on the sticker as recorded by the department under 61-3-101.

3 (64) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
4 department, an electronic record that is transmitted by the department, its authorized agent, or a county
5 treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic
6 record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the
7 registration of the vehicle for the registration period indicated in the receipt.

8 (65) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
9 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
10 other than resale.

11 (66) "Revocation" means the termination by action of the department of a person's driver's license,
12 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's
13 license for a period of time designated by law, during which the license or privilege may not be renewed,
14 restored, or exercised. An application for a new license may be presented and acted on by the department after
15 the expiration of the period of the revocation.

16 (67) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
17 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
18 the term refers to any roadway separately but not to all roadways collectively.

19 (68) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

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

25 (70) "Sell" means to transfer ownership from one person to another person or from a dealer to another
26 person for consideration.

27 (71) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
28 carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and

1 that of its load rests on or is carried by another vehicle.

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

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

11 (74) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

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

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

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

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

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

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

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

27 (76) (a) "Stop", when required, means complete cessation from movement.

28 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,

1 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the
2 directions of a police officer, highway patrol officer, or traffic control sign or signal.

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

6 (78) "Street" means the entire width between the boundary lines of every publicly maintained way
7 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

8 (79) "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

13 (80) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
14 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a
15 driver's license for a period of time designated by law.

16 (81) "Temporary registration permit" means a paper record:

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

20 (i) required vehicle and owner information; and

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

22 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
23 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
24 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:

25 (i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this
26 title, whichever first occurs; or

27 (ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(3)(b).

28 (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other

1 conveyances either singly or together while using any highways for purposes of travel.

2 (83) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
3 carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests on
4 the towing vehicle.

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

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

11 (85) "Travel trailer" means a vehicle:

12 (a) that is ~~40~~ 45 46 feet or less in length;

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

14 ~~AND (c) with gross trailer area of less than 320361 square feet; and~~

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

17 (86) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
18 transportation of property.

19 (87) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and
20 not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

21 (88) "Under the influence" has the meaning provided in 61-8-401.

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

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

28 (91) (a) "Vehicle" means a device in, on, or by which any person or property may be transported or

1 drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or
2 tracks.

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

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

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

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

15

16 **Section 3.** Section 61-3-206, MCA, is amended to read:

17 **"61-3-206. Odometer disclosure requirements on transfer of vehicle -- dealer to preserve**

18 **record.** (1) Except as provided in subsection (4), before executing any transfer of ownership document relating
19 to a motor vehicle, each seller of a motor vehicle shall record on the certificate of title the odometer reading at
20 the time of transfer or, if the certificate of title does not provide for the recording of the odometer reading,
21 furnish to the purchaser a written statement, to be signed by the seller, that contains the following information:

22 (a) the odometer reading at the time of transfer;

23 (b) the date of transfer;

24 (c) the seller's name and current address;

25 (d) the purchaser's name and current address;

26 (e) the motor vehicle year, make, model, body style, and identification number;

27 (f) one of the following statements or certification:

28 (i) a certification by the seller that, to the best of the seller's knowledge, the odometer reading reflects

1 the actual miles or kilometers the vehicle has been driven;

2 (ii) if the seller knows that the odometer reading reflects the amount of mileage in excess of the
3 designed mechanical odometer limit of 99,999 miles or kilometers, the seller shall include a statement to that
4 effect; or

5 (iii) if the seller knows that the odometer reading differs from the number of miles or kilometers the
6 motor vehicle has actually traveled and that the difference is greater than that caused by odometer calibration
7 error, the seller shall include a statement that the odometer reading is not the actual mileage and should not be
8 relied upon.

9 (2) The purchaser shall acknowledge receipt of the disclosure statement by signing it.

10 (3) For the purposes of this section, an odometer disclosure statement may be executed in electronic
11 form and used with an electronic signature pursuant to Title 30, chapter 18, part 1.

12 (4) The seller of the following types of motor vehicles need not disclose the odometer reading of the
13 vehicle as required in subsection (1):

14 (a) a motor vehicle ~~that is 10 or 20 years old or older~~ WITH A 2010 MODEL YEAR OR EARLIER;

15 (B) A MOTOR VEHICLE WITH A 2011 MODEL YEAR OR LATER THAT IS 20 YEARS OLD OR OLDER;

16 ~~(b)~~(C) a vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, or sailboat that is not self-
17 propelled;

18 ~~(c)~~(D) a new motor vehicle transferred between dealers or wholesalers prior to its first retail sale,
19 unless the motor vehicle has been used as a demonstrator;

20 ~~(d)~~(E) a motor vehicle having a gross weight rating of more than 16,000 pounds; or

21 ~~(e)~~(F) a motor vehicle sold directly by the manufacturer to an agency of the United States.

22 (5) A dealer, an auto auction, or a wholesaler licensed under chapter 4 of this title shall create a
23 record of the information required in subsection (1) and shall maintain and preserve that record for at least 5
24 years after the date of sale of the motor vehicle to which the information pertains."

25 - END -