

1 SENATE BILL NO. 221
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5 BOLDMAN, J. SMALL, J. GROSS, R. TEMPEL, J. FULLER, R. KNUDSEN, K. BOGNER, P. FLOWERS, J.
6 CARLSON, P. FIELDER, S. KERNS, S. GIST, J. SCHILLINGER, E. STAFMAN, J. GILLETTE, M. THANE, C.
7 FRIEDEL, T. BROCKMAN, D. EMRICH, T. VERMEIRE, T. FALK, J. BERGSTROM, L. HELLEGAARD, J.
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9
10 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSE PLATE LAWS; ALLOWING A PERSON
11 SERVING OR RETIRED FROM SERVING ABOARD THE USS MONTANA TO RECEIVE USS MONTANA
12 LICENSE PLATES; REQUIRING VEHICLES WITH USS MONTANA LICENSE PLATES DRIVEN IN THE USS
13 MONTANA'S HOME PORT STATE TO FOLLOW THAT STATE'S LAWS REGARDING SAFETY
14 INSPECTIONS AND EMISSIONS TESTING; AND AMENDING SECTIONS 61-3-302, 61-3-303, AND 61-3-
15 479, MCA."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18
19 NEW SECTION. **Section 1. Out-of-state USS Montana vehicles -- compliance with local state**
20 **safety and emissions laws.** A vehicle displaying USS Montana specialty license plates and located for more
21 than 1 month in the state that contains the home port of the USS Montana is subject to that state's laws
22 regarding safety inspections and emissions testing.

23
24 **Section 2.** Section 61-3-302, MCA, is amended to read:
25 **"61-3-302. Residents operating motor vehicles under licenses issued by any state other than**
26 **Montana forbidden -- vehicles exempt from registration -- exceptions.** (1) (a) A resident of the state of
27 Montana who owns a motor vehicle, trailer, semitrailer, or pole trailer may not operate the motor vehicle, trailer,
28 semitrailer, or pole trailer with license plates issued by any other state than Montana.

1 (b) (i) A person who has resided in Montana for more than 60 consecutive days is considered to be
2 a resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole
3 trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this
4 state after the 60-day period.

5 (ii) A person serving or retired from serving aboard the USS Montana is considered, at the election
6 of the person, a resident for the purpose of motor vehicle titling and registration laws and may apply for a USS
7 Montana specialty license plate pursuant to 61-3-479(1)(a)(ii). Residency is not conferred for any other
8 purpose.

9 (2) A motor vehicle, trailer, semitrailer, or pole trailer driven or moved upon a highway in this state
10 and owned by a nonresident of this state is exempt from registration under this chapter if:

11 (a) the vehicle is properly registered in and displays valid license plates of the jurisdiction in which
12 the nonresident owner resides; and

13 (b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation,
14 or profit;

15 (ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in
16 this state; or

17 (iii) the vehicle is used for the exclusive purpose of filming motion pictures or television
18 commercials and does not remain in the state for a period in excess of 180 consecutive days in a calendar
19 year.

20 (3) A motor vehicle, trailer, semitrailer, or pole trailer that is owned by a manufacturer, a dealer, a
21 wholesaler, or an auto auction and that is held for sale is exempt from registration under this part even though
22 the motor vehicle, trailer, semitrailer, or pole trailer is incidentally moved on the highway and is used for
23 purposes of testing or demonstration or is used by a manufacturer solely for testing.

24 (4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking
25 graveyard for disposal is exempt from the provisions of this chapter."

26

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

28 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-324, a Montana

1 resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public
2 highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the
3 registering owner is domiciled. A nonresident who has an interest in real property in Montana may register in
4 the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or
5 driven upon the public highways of this state. A person serving or retired from serving aboard the USS Montana
6 may register by mail in Lewis and Clark County using forms prescribed by the department.

7 (2) A Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer with
8 co-owners, one or more of whom are not Montana residents, may register the vehicle regardless of the fact that
9 one or more of the co-owners would otherwise not qualify to register the vehicle under subsection (1) if the
10 registering Montana resident is:

11 (a) an individual human being; and

12 (b) the principal operator of, and in whom is vested the right of possession and control of, the
13 vehicle.

14 (3) Except as provided in subsection (4), the county treasurer or an authorized agent shall register
15 any vehicle for which:

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

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

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

28 (b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and 61-3-

1 220(4) and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer,
2 semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway
3 vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a
4 previously assigned certificate of title. The new owner shall request the 90-day temporary registration permit
5 from the authorized agent or county treasurer that originally issued the temporary registration permit.

6 (c) A person serving or retired from serving aboard the USS Montana shall include in an
7 application for a certificate of title, in a manner prescribed by the department, proof that the person has current
8 orders to serve or has previously served aboard the USS Montana.

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

- 11 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
12 61-3-101;
- 13 (b) assign a registration period for the vehicle under 61-3-311;
- 14 (c) determine the vehicle's age, if required, under 61-3-501;
- 15 (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection
16 (6); and
- 17 (e) assign and issue license plates for the vehicle under 61-3-331.

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

- 20 (a) the fees in lieu of tax or registration fees as required for:
 - 21 (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or
22 fee under 61-3-537 or 61-3-570;
 - 23 (ii) a motor home under 61-3-321;
 - 24 (iii) a travel trailer under 61-3-321;
 - 25 (iv) a motorcycle or quadricycle under 61-3-321;
 - 26 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor
27 under 61-3-321 and 61-3-529; or
 - 28 (vi) a trailer under 61-3-321;

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

4 (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
5 education on, support for, and awareness of traumatic brain injury.

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

9 (8) The department may make full and complete investigation of the registration status of the motor
10 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or
11 pole trailer under this section shall provide additional information to support the registration to the department if
12 requested.

13 (9) Revenue that accrues from the voluntary donation provided in subsection (6)(b) must be
14 forwarded by the respective county treasurer or an authorized agent to the department for deposit in the state
15 special revenue fund to the credit of an account established by the department of labor and industry to support
16 activities related to awareness and education efforts for procurement of organ and tissue donations for
17 anatomical gifts.

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

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

1 (11) Revenue that accrues from the voluntary donation provided in subsection (6)(c) must be
2 forwarded by the respective county treasurer or an authorized agent to the department for deposit in the state
3 special revenue fund to the credit of the account established in 2-15-2218 to support activities related to
4 education regarding prevention of traumatic brain injury.

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

8

9 **Section 4.** Section 61-3-479, MCA, is amended to read:

10 **"61-3-479. Issuance of generic specialty license plates -- qualifications.** (1) (a) Except as
11 provided in subsection (1)(b), the department shall issue:

12 (i) a set of generic specialty license plates to a person who applies for a particular style of generic
13 specialty license plates and pays the donation fee established by the plate sponsor and the administrative fee
14 required in 61-3-480; or

15 (ii) a set of USS Montana specialty license plates to a person serving or retired from serving
16 aboard the USS Montana who applies and pays the donation fee established by the plate sponsor and the
17 administrative fee required in 61-3-480.

18 (b) If the sponsor of a generic specialty license plate is not listed on the county collection report
19 published by the state and required under 15-1-504 as of the initial distribution date for the sale of the sponsor's
20 plates, the department shall require the sponsor to collect the initial donation fee from, and issue a special
21 certificate of registration to, a person who is eligible to receive the sponsor's generic specialty license plates.
22 The person shall present the special certificate of registration upon application for the generic specialty license
23 plates.

24 (2) A set of generic specialty license plates may be issued for any motor vehicle except a
25 motorcycle or a quadricycle.

26 (3) (a) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, a person who receives
27 generic specialty license plates is subject to the same rules and laws as those that govern standard license
28 plates.

1 (b) Except as provided in 61-3-472 through 61-3-481 and 61-3-562, the department is subject to
2 the same rules and laws that govern the issuance of standard license plates.

3 (c) Generic specialty license plates issued under 61-3-472 through 61-3-481 are not subject to any
4 maximum issuance or use limitation that may be imposed on standard license plates.

5 (4) A person may combine an application for a generic specialty license plate with an application
6 for a license plate with a design bearing a representation of a wheelchair as the symbol of a person with a
7 disability as provided in 61-3-332(9)."

8
9 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
10 integral part of Title 61, chapter 3, part 3, and the provisions of Title 61, chapter 3, part 3, apply to [section 1].

11 - END -