

1 SENATE BILL NO. 421  
2 INTRODUCED BY C. FRIEDEL

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VEHICLE SALVAGE AND WRECKING  
5 LAWS; REQUIRING ~~MOTOR VEHICLE WRECKING FACILITIES SALVAGE VEHICLE TRANSACTORS~~ TO  
6 KEEP CERTAIN RECORDS; PROVIDING FOR A STATE SPECIAL REVENUE ACCOUNT; PROVIDING A  
7 DEFINITION; AND AMENDING SECTION-SECTIONS 61-3-225 AND 75-10-512, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 Section 1. Section 61-3-225, MCA, is amended to read:

12 "61-3-225. ~~Motor vehicle wrecking facility~~Salvage vehicle transactor quarterly reports --  
13 recordkeeping requirements -- SPECIAL REVENUE ACCOUNT. (1) ~~A motor vehicle wrecking facility, OR SALVAGE~~  
14 RECYCLING CENTER, OR A PRIVATE INDIVIDUAL ENGAGED IN THE REMOVAL OF VEHICLES FOR COMMERCIAL GAIN (a)  
15 Except as provided in subsection (1)(b), a salvage vehicle transactor shall maintain a vehicle acquisition record.

16 The record must contain:

17 (a) the time and date of the transaction, and the name of the person conducting the transaction on  
18 behalf of the facility, AND A WRITTEN STATEMENT THAT THE PERSON VERIFIED THE IDENTITY OF THE SELLER OR  
19 TRANSFEROR USING A VALID DRIVER'S LICENSE, PASSPORT, OR STATE IDENTIFICATION CARD;

20 (b)(i) the year, make, and complete identification number of the vehicle transacted for;

21 (c)(ii) the amount of consideration given for the vehicle;

22 (d) a photocopy or scanned copy of a current, valid driver's license, passport, or state identification  
23 card of the seller or transferor. The requirements of this subsection (1)(d) do not apply if the seller or transferor  
24 pays by check or is a professional tow truck operator OR AUTO SALVAGE AUCTION;

25 (iii) a notarized log of the transaction between the two parties containing sufficient information to  
26 identify both parties;

27 (e)(iv) a signature of the seller or transferor; and

**Amendment - 1st Reading/2nd House-blue - Requested by: Chris Friedel - Free Conference Committee on SB 421**

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0421.003.001

1 ~~(f)(E)(v)~~ the certificate of title if it is obtainable.

2 (b) This subsection (1) does not apply to a motor vehicle wrecking facility maintaining records  
3 required by 75-10-512. The department of justice, the department of environmental quality, or a local law  
4 enforcement agency with competent jurisdiction may inspect and copy the records kept pursuant to 75-10-512.

5 ~~(2)~~ Quarterly, the owner or operator of a motor vehicle wrecking facility, as defined in 75-10-501,  
6 shall deliver to the department or an authorized agent, on a form approved by the department, a list of all junk  
7 vehicles, as defined in 75-10-501, received by the owner or operator of the motor vehicle wrecking facility  
8 during the quarter, stating the year, make, and complete identification number of each vehicle. If the owner or  
9 operator of a motor vehicle wrecking facility received a certificate of title when the owner or operator of the  
10 facility received a junk vehicle on the list, that certificate of title must accompany the list a copy of the vehicle  
11 acquisition record REQUIRED UNDER SUBSECTION (1).

12 ~~(3)(2)~~ The For vehicles obtained by a motor vehicle wrecking facility OR SALVAGE RECYCLING CENTERS  
13 salvage vehicle transactor that may be rebuilt, the department shall issue a receipt for the certificate of title if  
14 requested by the owner or operator of the facility, and the receipt may serve as an instrument for reclaiming the  
15 certificate of title if the vehicle is rebuilt.

16 ~~(4)(3)~~ (A) The record required by subsection (1) may, upon request, be inspected and copied by the  
17 department of justice, the department of environmental quality, or a local law enforcement agency with  
18 competent jurisdiction. A MOTOR VEHICLE WRECKING FACILITY salvage vehicle transactor THAT FAILS TO PROVIDE  
19 the record on a request for inspection and copying TO THE DEPARTMENT A VEHICLE ACQUISITION RECORD THAT  
20 COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (1) IS SUBJECT TO PENALTIES PURSUANT TO TITLE 30, CHAPTER  
21 14, PART 1.

22 ~~(B)~~ PENALTIES COLLECTED UNDER THIS SUBSECTION ~~(4) (3)~~ BY THE DEPARTMENT of justice ARE NOT  
23 SUBJECT TO THE PROVISIONS OF 30-14-143 OR 30-14-226 AND MUST BE DEPOSITED INTO A STATE SPECIAL REVENUE  
24 ACCOUNT PROVIDED FOR IN SUBSECTION ~~(4)(c) (3)(c).~~

25 ~~(C)~~ THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE DEPARTMENT OF  
26 JUSTICE TO DEFRAY THE COST TO THE DEPARTMENT IN INVESTIGATING AND ENFORCING THIS SECTION.

27 ~~(5)~~ (A) A PERSON WHO SELLS OR TRANSFERS A MOTOR VEHICLE TO A WRECKING FACILITY WITHOUT THE

**Amendment - 1st Reading/2nd House-blue - Requested by: Chris Friedel - Free Conference Committee on SB 421**

- 2023

68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

SB0421.003.001

1 ~~LAWFUL RIGHT TO DO SO COMMITS THE OFFENSE OF THEFT PROVIDED FOR IN 45-6-301.~~

2 ~~(B) — A PERSON WHO FALSIFIES A DOCUMENT REQUIRED TO BE PROVIDED OR CREATED BY THIS SECTION~~

3 ~~COMMITS THE OFFENSE OF FORGERY PROVIDED FOR IN 45-6-325.~~

4 ~~(4) As used in this section, "salvage vehicle transactor" means a party to a salvage vehicle~~  
5 ~~transaction that is a motor vehicle wrecking facility, salvage vehicle recycling center, or a private individual~~  
6 ~~engaged in the removal of vehicles for commercial gain."~~

7

8 **Section 2.** Section 75-10-512, MCA, is amended to read:

9 **"75-10-512. Records required of facilities.** (1) Each motor vehicle wrecking facility shall maintain  
10 books or files in which are kept a record and description of every junk vehicle obtained by it, together with the  
11 name and address of the person from whom the vehicle was purchased.

12 (2) This record must also contain:

13 (a) the certificate of title, sheriff's certificate of sale, notarized bill of sale from the former owner or  
14 person selling the vehicle, release of ownership or interest in the motor vehicle, or sheriff's release;

15 (b) the name of the state where the vehicle was last registered;

16 (c) the make of the vehicle;

17 (d) the vehicle identification number, as defined in 61-3-210, or the motor number, identification  
18 number, or serial number;

19 (e) the date purchased;

20 (f) the disposition of the vehicle.

21 (3) An authorized representative of the department of justice, the department of environmental  
22 quality, or a local law enforcement agency of competent jurisdiction who presents credentials may also inspect,  
23 have access to, and copy records required under this section."

24

- END -