

HOUSE BILL NO. 750

INTRODUCED BY F. ANDERSON, M. CUFFE, E. BUTCHER, R. TEMPEL, G. KMETZ

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO ISSUE REPLACEMENT CERTIFICATES OF TITLE TO OWNERS OF VEHICLES THAT WERE REMOVED FROM THE DEPARTMENT'S RECORDS BECAUSE OF THE DEPARTMENT'S DATA RETENTION PROCEDURES; ALLOWING OWNERS OF VEHICLES THAT WERE REMOVED FROM THE DEPARTMENT'S RECORDS TO REQUEST THE RETURN OF THE ORIGINAL TITLE; AND AMENDING SECTION 61-3-220, MCA."

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

**NEW SECTION. Section 1. Replacement certificate of title -- data removed by department -- application requirements.** (1) Vehicles removed from the department's records because of the department's data retention procedures may be reentered into the system at the request of the last owner of record. The department may issue a certificate of title if the applicant complies with the requirements of subsection (2).

(2) The applicant shall submit an affidavit in a form prescribed by the department. The affidavit must accompany the application for a replacement certificate of title provided for in 61-3-204 and is subject to the fees within that section. The affidavit must also include the last title or registration issued to the owner.

**Section 2.** Section 61-3-220, MCA, is amended to read:

**"61-3-220. Certificate of title -- voluntary transfer -- duties.** (1) Upon the voluntary transfer of any interest in a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile for which a certificate of title was issued under the provisions of this chapter, the owner whose interest is to be transferred shall:

(a) authorize, in writing and on a form prescribed by the department, an authorized agent, or a county treasurer, to enter the transfer of the owner's interest in the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to the transferee on the electronic record of title maintained under 61-3-101; or

1 (b) execute a transfer in the appropriate space provided on the certificate of title issued to the  
2 owner and deliver the assigned certificate of title to:

3 (i) the transferee at the time of delivery of the motor vehicle, trailer, semitrailer, pole trailer,  
4 camper, motorboat, personal watercraft, sailboat, or snowmobile; or

5 (ii) the department, its authorized agent, or a county treasurer if an application for a certificate of  
6 title has been completed by the transferee and accompanies the assigned certificate of title.

7 (2) When transfer occurs between individuals, the transferor's signature on the certificate of title, or  
8 the form authorizing transfer of interest upon the electronic record of title, must be acknowledged before the  
9 county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an  
10 employee or authorized agent of the department, or a notary public.

11 (3) Except as provided in 61-4-111, the person to whom an interest in a motor vehicle has been  
12 transferred shall:

13 (a) execute an application for a certificate of title in the space provided on the assigned certificate  
14 of title or as prescribed by the department; ~~and~~

15 (b) request the return of the original title for vehicles 30 years or older, or whose certificates of title  
16 were removed from department records pursuant to [section 1], on a form prescribed by the department; and

17 ~~(b)(c)~~ within 40 days after the interest in the motor vehicle, trailer, semitrailer, pole trailer, camper,  
18 motorboat, personal watercraft, sailboat, or snowmobile was transferred to the person, either:

19 (i) apply for a certificate of title under 61-3-216 and register the motor vehicle, trailer, semitrailer,  
20 pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile under 61-3-303; or

21 (ii) subject to the limitations of 61-3-312, register the motor vehicle, trailer, semitrailer, pole trailer,  
22 camper, motorboat, personal watercraft, sailboat, or snowmobile without the surrender of a previously assigned  
23 certificate of title and application for certificate of title under 61-3-303.

24 (4) If the person to whom an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper,  
25 motorboat, personal watercraft, sailboat, or snowmobile has been transferred fails to comply with the  
26 requirements described in subsection (3) within the 40-day grace period, a late penalty of \$10 must be imposed  
27 against the transferee. The penalty must be paid before the transferee registers the motor vehicle, trailer,  
28 semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in this state, with or

1 without the surrender of an assigned certificate of title. The penalty is in addition to the fees otherwise provided  
2 by law.

3 (5) If the transferee does not comply with the requirements of subsection (3) within the 40-day  
4 grace period, a secured party or lienholder of record may pay the fees for the transfer of title and for filing a  
5 voluntary security interest or lien. The secured party or lienholder is not liable for the late penalty imposed in  
6 subsection (4) or for registration fees, taxes, or fees in lieu of tax on the motor vehicle, trailer, semitrailer, pole  
7 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

8 (6) The department may adopt rules for the transfer of vehicles in this section."  
9

10 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
11 integral part of Title 61, chapter 3, part 2, and the provisions of Title 61, chapter 3, part 2, apply to [section 1].

12 - END -