

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

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

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

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

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

14

15 **Section 2.** Section 23-2-502, MCA, is amended to read:

16 **"23-2-502. Definitions.** As used in this part, unless the context clearly requires a different meaning,
17 the following definitions apply:

18 (1) "Certificate of number" means the certificate issued by the department of justice, an authorized
19 agent, as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the
20 motorboat or sailboat an identifying number and containing other information as required by the department of
21 justice.

22 (2) "Department" means the department of fish, wildlife, and parks of the state of Montana.

23 (3) "Documented vessel" means a vessel that has and is required to have a valid marine document as
24 a vessel of the United States.

25 (4) "Identifying number" means the boat number set forth in the certificate of number and properly
26 displayed on the motorboat or sailboat.

27 (5) "Lienholder" means a person holding a security interest.

28 (6) "Manufacturer" means a person engaged in the business of manufacturing or importing new and

1 unused vessels or new and unused outboard motors for the purpose of sale or trade.

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

5 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast
6 guard or any successor federal agency.

7 (8) "Operate" means to navigate or otherwise use a motorboat or a vessel.

8 (9) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a
9 motorboat or vessel.

10 (10) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat
11 or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an
12 interest in another person, reserved or created by an agreement securing payment or performance of an
13 obligation.

14 (b) The term does not include a lessee under a lease not intended as security.

15 (11) "Passenger" means each person carried on board a vessel other than:

16 (a) the owner or the owner's representative;

17 (b) the operator;

18 (c) bona fide members of the crew engaged in the business of the vessel who have not contributed
19 any consideration for their carriage and who are paid for their services; or

20 (d) a guest on board a vessel that is being used exclusively for pleasure purposes who has not
21 contributed any consideration, directly or indirectly, for the guest's carriage.

22 (12) "Person" means an individual, partnership, firm, corporation, association, or other entity.

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

26 (14) "Registration decal" means an adhesive sticker produced by the department of justice and issued
27 by the department of justice, an authorized agent as defined in 61-1-101, or a county treasurer to the owner of
28 a motorboat, sailboat, or personal watercraft as proof of payment of fees imposed on the motorboat, sailboat, or

1 personal watercraft for the registration period indicated on the decal as recorded by the department of justice
2 under 61-3-101.

3 (15) ~~(a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.~~
4 ~~(b) The term does not include a canoe or kayak propelled by wind~~ has the meaning provided in 61-1-
5 101.

6 (16) "Security interest" means an interest that is reserved or created by an agreement that secures
7 payment or performance of an obligation and is valid against third parties generally.

8 (17) "Uniform state waterway marking system" means one of two categories:

9 (a) a system of aids to navigation to supplement the federal system of marking in state waters;

10 (b) a system of regulatory markers to warn a vessel operator of dangers or to provide general
11 information and directions.

12 (18) "Validation decal" means an adhesive sticker produced by the department and issued by the
13 department or a county treasurer to the owner of a motorboat, sailboat, or personal watercraft verifying the
14 identifying number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the
15 owner to meet requirements of the federal standard numbering system.

16 (19) "Vessel" ~~means every description of watercraft, unless otherwise defined by the department, other~~
17 ~~than a seaplane on the water, used or capable of being used as a means of transportation on water~~ has the
18 meaning provided in 61-1-101.

19 (20) "Waters of this state" means any waters within the territorial limits of this state."
20

21 **Section 3.** Section 61-1-101, MCA, is amended to read:

22 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
23 definitions apply:

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

28 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited

1 partnership, limited liability company, association, joint venture, state agency, local government unit, another
2 state government, the United States, a political subdivision of this or another state, or any other legal or
3 commercial entity.

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

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

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

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

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

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

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

20 (7) "CDLIS driver record" means the electronic record of a person's commercial driver's license status
21 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

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

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

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

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

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

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

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

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

10 (iv) is a school bus; or

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

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

13 (i) an authorized emergency vehicle:

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

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

17 (ii) a vehicle:

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

20 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within
21 Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana,
22 within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (14) "Customer identification number" means:

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

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

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

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

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

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

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

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

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

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

15 ~~(17)(16)~~ "Department" means the department of justice acting directly or through its duly authorized
16 officers or agents.

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

19 ~~(19)(17)~~ "Domiciled" means a place where:

20 (a) an individual establishes residence;

21 (b) a business entity maintains its principal place of business;

22 (c) the business entity's registered agent maintains an address; or

23 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
24 or pole trailer that it owns or leases.

25 ~~(20)(18)~~ "Downgrade" means the removal of a person's privilege to operate a commercial motor
26 vehicle, as maintained by the department on the individual Montana driving record and the CDLIS driver record
27 for that person.

28 ~~(21)(19)~~ "Driver" means a person who drives or is in actual physical control of a vehicle.

1 ~~(22)~~(20) "Driver's license" means a license or permit to operate a motor vehicle issued under or
2 granted by the laws of this state, including:

- 3 (a) any temporary license or learner license;
- 4 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;
- 5 (c) any nonresident's driving privilege;
- 6 (d) a motorcycle endorsement; or
- 7 (e) a commercial driver's license.

8 ~~(23)~~(21) "Electric personal assistive mobility device" means a device that has two nontandem wheels,
9 is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
10 maximum speed of the device to 12 1/2 miles an hour.

11 ~~(24)~~(22) "For hire" means an action performed for remuneration of any kind, whether paid or promised,
12 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements
13 from which a remuneration is obtained or derived for transportation service.

14 ~~(25)~~(23) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a
15 person or persons and golf equipment and that has an average speed of less than 15 miles per hour.

16 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory
17 liability insurance requirements under this title.

18 ~~(26)~~(24) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load
19 on the vehicle.

20 ~~(27)~~(25) "Hazardous material" means:

- 21 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be
22 placarded under 49 CFR, part 172; or
- 23 (b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

24 ~~(28)~~(26) "Highway" or "public highway" means the entire width between the boundary lines of every
25 publicly maintained way when any part of the publicly maintained way is open to the use of the public for
26 purposes of vehicular travel.

27 ~~(29)~~(27) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
28 arrests for violations of traffic regulations.

1 ~~(30)~~(28) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
2 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

3 ~~(34)~~(29) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

- 4 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or
- 5 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,
- 6 commonly referred to as a donor vehicle.

7 ~~(32)~~(30) "Light vehicle" means a motor vehicle commonly referred to as an:

8 (a) automobile;

9 (b) van;

10 (c) "sport utility vehicle", ~~or,~~ meaning a light vehicle designed to transport 10 or fewer persons that is
11 constructed on a truck chassis or that has special features for occasional off-road use, not including trucks
12 having a manufacturer's rated capacity of 1 ton or less; or

13 (d) truck having a manufacturer's rated capacity of 1 ton or less.

14 ~~(33)~~(31) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be
15 transported, that:

16 (a) has four wheels;

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

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

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

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

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

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

27 ~~(34)~~(32) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed
28 electric vehicle or a golf cart issued under or granted by the laws of this state, including:

- 1 (a) a temporary license or learner license;
- 2 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of 61-
- 3 5-122, whether or not the person holds a valid driver's license; and
- 4 (c) a nonresident's similarly restricted driving privilege.
- 5 ~~(35)~~(33) "Manufactured home" has the meaning provided in 15-24-201.
- 6 ~~(36)~~(34) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
- 7 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a
- 8 regular business.
- 9 ~~(37)~~(35) "Manufacturer's certificate of origin" means the original paper record produced and issued by
- 10 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
- 11 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
- 12 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
- 13 ownership of the vehicle to the person or persons named in the certificate.
- 14 ~~(38)~~(36) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be
- 15 transported, that:
 - 16 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;
 - 17 (ii) is propelled by its own power, using an electric motor or other device that transforms stored
 - 18 electrical energy into the motion of the vehicle;
 - 19 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
 - 20 grid or from renewable electrical energy sources;
 - 21 (iv) is fully enclosed and includes at least one door for entry;
 - 22 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;
 - 23 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
 - 24 identification number as provided in 49 CFR, part 565;
 - 25 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
 - 26 indicates the vehicle's maximum speed rating; and
 - 27 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.
- 28 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and

1 registration under Title 61, chapter 3.

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

3 ~~(39)~~(37) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

4 ~~(40)~~(38) "Montana resident" means:

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

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

8 ~~(44)~~(39) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers
9 appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of
10 property for hire on a commercial basis.

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

12 ~~(42)~~(40) "Motor home" means a motor vehicle:

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

15 (b) containing permanently installed independent life support systems that meet the NFPA 1192
16 standard on recreational vehicles; and

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

18 (i) cooking, refrigeration, or icebox;

19 (ii) self-contained toilet;

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

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

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

23 ~~(43)~~(41) (a) "Motor vehicle" means:

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

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

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

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

5 ~~(44)~~(42) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
6 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
7 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

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

10 ~~(45)~~(43) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator
11 and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may
12 carry one or more attachments and a seat for the conveyance of a passenger.

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

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

16 (d) The term includes an autocycle.

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

19 ~~(46)~~(44) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
20 produces 5 horsepower or less.

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

23 ~~(47)~~(45) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be
24 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 a
2 "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)~~(46) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
7 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
8 as the result of a retail sale.

9 ~~(49)~~(47) "Nonresident" means a person who is not a Montana resident.

10 ~~(50)~~(48) (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)~~(49) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-
17 country 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)~~(50) "Operator" means a person who is in actual physical control of a motor vehicle.

26 ~~(53)~~(51) "Owner" means each person who holds the legal title to a vehicle. If a vehicle is the subject of
27 an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the
28 conditions stated in the agreement and with an immediate right of possession and control vested in an

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

5 ~~(54)~~(52) "Person" means an individual human being, corporation, partnership, association, firm, or
6 other legal entity.

7 ~~(55)~~(53) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine
8 powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person
9 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
10 vessel.

11 ~~(56)~~(54) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
12 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
13 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
14 structural members capable generally of sustaining themselves as beams between the supporting connections.

15 ~~(57)~~(55) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
16 violations of traffic regulations.

17 ~~(58)~~(56) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
18 having a seat or saddle on which the operator sits.

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

20 ~~(59)~~(57) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
21 stationary rails.

22 ~~(60)~~(58) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without
23 cars coupled to the engine, that is operated on rails.

24 (b) The term does not include streetcars.

25 ~~(61)~~(59) "Recreational vehicle" includes a motor home, travel trailer, or camper.

26 ~~(62)~~(60) "Registration" or "register" means the act or process of creating an electronic record,
27 maintained by the department, of the assignment of a license plate or a set of license plates to and the
28 issuance of a registration decal for a specific vehicle, the ownership of which has been established or is

1 presumed in department records.

2 ~~(63)~~(61) "Registration decal" means an adhesive sticker produced by the department and issued by
3 the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer,
4 pole trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for
5 the registration period indicated on the sticker as recorded by the department under 61-3-101.

6 ~~(64)~~(62) "Registration receipt" means a paper record that is produced and issued or, if authorized by
7 the department, an electronic record that is transmitted by the department, its authorized agent, or a county
8 treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic
9 record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the
10 registration of the vehicle for the registration period indicated in the receipt.

11 ~~(65)~~(63) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
12 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
13 other than resale.

14 ~~(66)~~(64) "Revocation" means the termination by action of the department of a person's driver's license,
15 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's
16 license for a period of time designated by law, during which the license or privilege may not be renewed,
17 restored, or exercised. An application for a new license may be presented and acted on by the department after
18 the expiration of the period of the revocation.

19 ~~(67)~~(65) "Roadway" means that portion of a highway improved, designed, or ordinarily used for
20 vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate
21 roadways, the term refers to any roadway separately but not to all roadways collectively.

22 ~~(68)~~(66) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

24 ~~(69)~~(67) "School zone" means an area near a school beginning at the school's front door,
25 encompassing the campus and school property, and including the streets directly adjacent to the school
26 property and for as many blocks surrounding the school as determined by the local authority establishing a
27 special speed limit under 61-8-310(1)(d).

28 ~~(70)~~(68) "Sell" means to transfer ownership from one person to another person or from a dealer to

1 another person for consideration.

2 ~~(71)(69)~~ "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
3 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
4 that of its load rests on or is carried by another vehicle.

5 ~~(72)(70)~~ "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less,
6 excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or
7 runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

8 ~~(73)(71)~~ "Special mobile equipment" means a vehicle not designed for the transportation of persons or
9 property on the highways but incidentally operated or moved over the highways, including road construction or
10 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
11 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in
12 this subsection is partial and does not exclude other vehicles that are within the general terms of this
13 subsection.

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

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

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

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

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

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

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

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

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

~~(76)(72)~~ (a) "Stop", when required, means complete cessation from movement.

(b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway patrol officer, or traffic control sign or signal.

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

~~(78)(73)~~ "Street" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

~~(79)(74)~~ "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

~~(80)(75)~~ "Suspension" means the temporary withdrawal by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's license for a period of time designated by law.

~~(81)(76)~~ "Temporary registration permit" means a paper record:

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

~~(i)(a)~~ required vehicle and owner information; and

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

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

~~(i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title,~~

1 ~~whichever first occurs; or~~

2 ~~(ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).~~

3 ~~(82)(77)~~ "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
4 conveyances either singly or together while using any highways for purposes of travel.

5 ~~(83)(78)~~ (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
6 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
7 on the towing vehicle.

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

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

14 ~~(85)(79)~~ "Travel trailer" means a vehicle:

15 (a) that is 46 feet or less in length;

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

17 (c) that is designed to provide temporary facilities for recreational, travel, or camping use and not used
18 as a principal residence.

19 ~~(86)(80)~~ "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
20 transportation of property.

21 ~~(87)(81)~~ "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
22 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

23 ~~(88)(82)~~ "Under the influence" ~~has the meaning provided in 61-8-1001~~ means that as a result of taking
24 into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a
25 vehicle has been diminished.

26 ~~(89)(83)~~ "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
27 or given away or had its title transferred from the person who first took title to it from the manufacturer, importer,
28 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become

1 what is commonly known as "secondhand" within the ordinary meaning of that term.

2 ~~(90)(84)~~ "Van" means a motor vehicle designed for the transportation of at least six persons and not
3 more than nine persons and intended for but not limited to family or personal transportation without
4 compensation.

5 ~~(91)(85)~~ (a) "Vehicle" means a device in, on, or by which any person or property may be transported or
6 drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or
7 tracks.

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

11 ~~(92)(86)~~ "Vehicle identification number" means the number, letters, or combination of numbers and
12 letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or
13 country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

14 ~~(93)(87)~~ "Vessel" means every description of watercraft, unless otherwise defined by the department,
15 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

16 ~~(94)(88)~~ "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
17 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
18 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or
19 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

20

21 **Section 4.** Section 61-2-102, MCA, is amended to read:

22 **"61-2-102. Definitions.** ~~Unless the context requires otherwise, in this part, As used in this part, unless~~
23 ~~the context requires otherwise,~~ the following definitions apply:

24 (1) "Department" means the department of transportation.

25 (2) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths,
26 injuries to persons, and damage to property. The program must be in accordance with uniform guidelines
27 established pursuant to 23 U.S.C. 402, as amended, and may include defensive driving programs administered
28 by the entity designated by the governor in 61-2-103. Nothing in this part restricts or prohibits the establishment

1 of standards that enlarge or implement the federal standards.

2 (3) "Political subdivisions" means each county, incorporated city or town, and school district within the
3 boundaries of the state."

4

5 **Section 5.** Section 61-3-201, MCA, is amended to read:

6 **"61-3-201. Certificate of title required -- nonresident title -- exclusions -- definition.** (1) Except as
7 provided in subsection (3), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
8 personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been
9 issued by or an electronic record of title has not been created by the department shall apply to the department,
10 its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole
11 trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

12 (2) The department may determine requirements for nonresident businesses to apply for a title in this
13 state and the department:

- 14 (a) may produce a title for nonresident business applicants;
- 15 (b) may enter a voluntary security interest or lien on the title in accordance with 61-3-103;
- 16 (c) is authorized to establish an application fee and title fee for nonresident applicants;
- 17 (d) shall require an applicant to submit a penalty bond of no less than \$250,000 payable to the motor
18 vehicle division, conditioned that the applicant will not commit fraud against any purchaser, seller, financial
19 institution, the state, or any other state by using this section.

20 (3) The following motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal
21 watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

22 (a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
23 snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper,
24 motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

25 (b) except as required in 61-4-111, a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat,
26 personal watercraft, sailboat, or snowmobile that is:

- 27 (i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and
- 28 (ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or

1 demonstration, or used solely by a manufacturer for testing;

2 (c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
3 snowmobile owned by a nonresident or a nonresident who has an interest in real property in Montana who
4 chooses not to register a motor vehicle in this state as provided in 61-3-303;

5 (d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or
6 snowmobile regularly engaged in the interstate transportation of persons or property and:

7 (i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

8 (ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

9 (e) a vehicle moved solely by human or animal power;

10 (f) an implement of husbandry;

11 (g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to
12 agricultural land;

13 (h) a self-propelled wheelchair or tricycle used by a person with a disability;

14 (i) a dolly or converter gear;

15 (j) a mobile home or housetrailer;

16 (k) a manufactured home declared to be an improvement to real property under 15-1-116; or

17 (l) a golf cart unless it is operated by a person with a low-speed restricted driver's license.

18 (4) As used in this section, "dolly or converter gear" means a device consisting of one or two axles with
19 a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a
20 trailer."

21

22 **Section 6.** Section 61-3-206, MCA, is amended to read:

23 **"61-3-206. Odometer disclosure requirements on transfer of vehicle -- dealer to preserve**

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

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

- 1 (b) the date of transfer;
- 2 (c) the seller's name and current address;
- 3 (d) the purchaser's name and current address;
- 4 (e) the motor vehicle year, make, model, body style, and identification number;
- 5 (f) one of the following statements or certification:
 - 6 (i) a certification by the seller that, to the best of the seller's knowledge, the odometer reading reflects
 - 7 the actual miles or kilometers the vehicle has been driven;
 - 8 (ii) if the seller knows that the odometer reading reflects the amount of mileage in excess of the
 - 9 designed mechanical odometer limit of 99,999 miles or kilometers, the seller shall include a statement to that
 - 10 effect; or
 - 11 (iii) if the seller knows that the odometer reading differs from the number of miles or kilometers the
 - 12 motor vehicle has actually traveled and that the difference is greater than that caused by odometer calibration
 - 13 error, the seller shall include a statement that the odometer reading is not the actual mileage and should not be
 - 14 relied upon.
- 15 (2) The purchaser shall acknowledge receipt of the disclosure statement by signing it.
- 16 (3) For the purposes of this section, an odometer disclosure statement may be executed in electronic
- 17 form and used with an electronic signature pursuant to Title 30, chapter 18, part 1.
- 18 (4) The seller of the following types of motor vehicles need not disclose the odometer reading of the
- 19 vehicle as required in subsection (1):
 - 20 (a) a motor vehicle with a 2010 model year or earlier;
 - 21 (b) a motor vehicle with a 2011 model year or later that is 20 years old or older;
 - 22 (c) a vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, or sailboat that is not self-propelled;
 - 23 (d) a new motor vehicle transferred between dealers or wholesalers prior to its first retail sale, unless
 - 24 the motor vehicle has been used as a demonstrator;
 - 25 (e) a motor vehicle having a gross weight rating of more than 16,000 pounds; or
 - 26 (f) a motor vehicle sold directly by the manufacturer to an agency of the United States.
- 27 (5) A dealer, an auto auction, or a wholesaler licensed under chapter 4 of this title shall create a
- 28 record of the information required in subsection (1) and shall maintain and preserve that record for at least 5

1 years after the date of sale of the motor vehicle to which the information pertains.

2 (6) A person convicted of violating this section is subject to the penalties provided in 61-3-607."

3

4 **Section 7.** Section 61-3-224, MCA, is amended to read:

5 **"61-3-224. Temporary registration permit -- issuance -- placement -- duration -- fees.** (1) (a) The
6 department, an authorized agent, or a county treasurer may issue a temporary registration permit for any
7 purpose authorized under the rules adopted by the department.

8 (b) An authorized agent or a county treasurer may issue a temporary registration permit without use of
9 the department-approved electronic interface only if authorized by the department. When placed in a durable
10 license-plate style plastic pouch approved by the department and displayed as prescribed in subsection (5).
11 authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or
12 longer, snowmobile, or off-highway vehicle for:

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

15 (ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(4)(b).

16 (2) A person, using a department-approved electronic interface, may issue a temporary registration
17 permit for any purpose authorized under the rules adopted by the department.

18 (3) A temporary registration permit issued under this section must contain the following information:

19 (a) a temporary plate number as prescribed by the department;

20 (b) the expiration date of the temporary registration permit; and

21 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
22 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
23 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
24 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
25 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
26 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

27 (4) A temporary registration permit for:

28 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the

1 rear exterior of the vehicle where a license plate is required to be displayed; and

2 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle
3 must be plainly visible and firmly attached to the vehicle or vessel.

4 (5) (a) Except as provided in 61-3-431 and subsections (5)(b) and (5)(c) of this section, a \$19.50 fee is
5 imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county
6 treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the
7 authorized agent, or a county treasurer when the vehicle is registered.

8 (b) Except as provided in 61-3-431, a fee of \$24.50 is imposed and must be paid upon issuance of a
9 temporary registration permit by:

10 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who
11 acquires a vehicle or vessel in this state or who registers for temporary use in this state a quadricycle or
12 motorcycle designed for off-road recreational use; or

13 (ii) a person who issued a temporary registration permit using a department-approved electronic
14 interface.

15 (c) A fee of \$24 is imposed and must be paid upon issuance of a temporary registration permit for a
16 90-day temporary registration permit as provided in 61-3-303(4)(b).

17 (6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited
18 as follows:

19 (a) \$16.50 from each permit fee collected pursuant to subsection (5) in the state special revenue
20 account established in 44-10-204; and

21 (b) the remainder in the motor vehicle electronic commerce operating account provided for in 61-3-
22 118.

23 (7) If a temporary registration permit is issued under this section to a person to whom ownership of a
24 vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or
25 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."
26

27 **Section 8.** Section 61-3-226, MCA, is amended to read:

28 **"61-3-226. Certificate of title -- transfer on death -- definition.** (1) The owner or joint owners of a

1 vehicle or vessel may arrange for nonprobate transfer of the vehicle's or vessel's title at the time of death of the
2 owner or last surviving joint owner by completing the beneficiary designation on the application for certificate of
3 title prescribed by the department.

4 (2) The beneficiary designation must include fields for the following information:

5 (a) the make, model, year, and vehicle identification number of the vehicle or vessel;

6 (b) the name and signature of the owner or every joint owner of the vehicle or vessel, signed under
7 penalty of unsworn falsification as provided in 45-7-203; and

8 (c) the name of the beneficiary or the names of the beneficiaries of the vehicle or vessel.

9 (3) (a) A beneficiary designation is perfected when it is submitted to the department with an application
10 for certificate of title and if it provides the information and signatures required in subsection (2).

11 (b) An instrument for the testamentary transfer of a vehicle or vessel does not invalidate a perfected
12 beneficiary designation.

13 (4) The owner or joint owners of a vehicle or vessel may revoke a perfected beneficiary designation by:

14 (a) transferring the vehicle or vessel to the beneficiary or a third party before death; or

15 (b) submitting a new beneficiary designation with an application for certificate of title.

16 (5) (a) After the death of the owner or last surviving joint owner of a vehicle or vessel subject to a
17 perfected beneficiary designation, the beneficiary may present the proof of death of the owner or joint owners of
18 the vehicle or vessel listed as a beneficiary and identification of the beneficiary to the department, to the county
19 treasurer's office, or to an authorized agent and:

20 (i) request a replacement title for the vehicle or vessel; or

21 (ii) effect transfer of the title of the vehicle or vessel as required by 61-3-220.

22 (b) The beneficiary does not acquire any use, ownership, economic, or other interest in the vehicle or
23 vessel until the beneficiary has filed the documents required by subsection (4) and the department, the county
24 treasurer's office, or an authorized agent has either issued a replacement title or effected the transfer of the
25 title.

26 (6) This section does not limit the rights of a lienholder whose lien attached to the vehicle or vessel
27 prior to the death of the owner or last surviving joint owner named on the beneficiary designation.

28 (7) As used in this section, the following definitions apply:

1 ~~(a) "vehicle" means a motor vehicle, or camper as those terms are defined by 61-1-101, manufactured~~
 2 home ~~as defined by 15-24-201~~, mobile home ~~as defined by 15-24-201~~, or other item for which a certificate of
 3 title is issued by the department and that have not been considered or declared an improvement to real
 4 property pursuant to 15-1-116;

5 ~~(b) "vessel" means a vessel as defined by 61-1-101."~~
 6

7 **Section 9.** Section 61-3-301, MCA, is amended to read:

8 **"61-3-301. Registration -- license plate required -- display -- definition.** (1) (a) A person may not
 9 operate a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer upon the public highways of Montana
 10 unless the motor vehicle, trailer, semitrailer, pole trailer, or travel trailer is properly registered and has the
 11 proper license plates conspicuously displayed on the motor vehicle, trailer, semitrailer, pole trailer, or travel
 12 trailer. A license plate must be securely fastened to prevent it from swinging and may not be obstructed from
 13 plain view.

14 (b) (i) Except as provided in 61-4-120, 61-4-129, and subsections (1)(b)(ii) through (1)(b)(iv) of this
 15 section, all motor vehicles must have one license plate displayed horizontally on the front and one license plate
 16 displayed horizontally on the rear of the motor vehicle.

17 (ii) A motorcycle, quadricycle, trailer, semitrailer, pole trailer, or travel trailer must have a single license
 18 plate displayed on the rear of the vehicle, which may be displayed horizontally or vertically if available space
 19 does not permit horizontal display.

20 (iii) A custom vehicle or a street rod registered under 61-3-320(1)(b) or (1)(c)(iii) may display a single
 21 license plate firmly attached to the rear exterior of the custom vehicle or street rod.

22 (iv) If a person is not able to comply with the requirement that a front license plate be displayed
 23 because of the body construction of the motor vehicle, the person may submit to the highway patrol an
 24 application for a waiver along with a \$25 inspection fee. A certificate of waiver must be issued upon inspection
 25 of the vehicle by a highway patrol officer. The certificate must at all times be carried in the motor vehicle and
 26 must be displayed upon demand of a peace officer. Money collected from the inspection fee must be deposited
 27 in a highway revenue account in the state special revenue fund to the credit of the department of transportation.

28 (c) A person may not display on a motor vehicle, trailer, semitrailer, pole trailer, or travel trailer at the

1 same time a number assigned to it under any motor vehicle law except as provided in this chapter.

2 (d) A low-speed electric vehicle or a golf cart operated by a person with a low-speed restricted driver's
3 license must have special license plates, as provided in 61-3-332(9), displayed on the front and rear of the
4 vehicle.

5 (2) A person may not purchase or display on a motor vehicle, trailer, semitrailer, pole trailer, or travel
6 trailer a license plate bearing the number assigned to any county, as provided in 61-3-332, other than the
7 county where the vehicle is domiciled or the county where the trailer, semitrailer, pole trailer, or travel trailer is
8 domiciled at the time of application for registration.

9 (3) It is unlawful to:

10 (a) display license plates issued to one motor vehicle, trailer, semitrailer, pole trailer, or travel trailer on
11 any other motor vehicle, trailer, semitrailer, pole trailer, or travel trailer unless legally transferred as provided by
12 statute;

13 (b) repaint old license plates to resemble current license plates; or

14 (c) invert or reverse a license plate. License plates displayed horizontally must be readable from left to
15 right. License plates displayed vertically must be readable from top to bottom.

16 (4) ~~For the purposes of~~As used in this section, "conspicuously displayed" means that the required
17 license plates are obviously visible and firmly attached by two separate fasteners to:

18 (a) the front bumper and the rear bumper of a motor vehicle that is subject to subsection (1)(b)(i) and is
19 equipped with front and rear bumpers; or

20 (b) a clearly visible location on the rear of a trailer, semitrailer, pole trailer, travel trailer, or motor
21 vehicle that is subject to subsections (1)(b)(ii) through (1)(b)(iv)."

22

23 **Section 10.** Section 61-3-317, MCA, is amended to read:

24 **"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty --**

25 **display of proof of purchase.** (1) The new owner of a transferred motor vehicle, trailer, semitrailer, or pole
26 trailer has a grace period of 40 calendar days from the date of purchase to make application for a certificate of
27 title and pay the registration fees, fees in lieu of tax and other fees required by this chapter, and local option
28 taxes, if applicable. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the

1 streets and highways of this state during this period unless a temporary registration permit has been issued for
2 and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

3 (2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor
4 vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser
5 to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state
6 without a current registration receipt or registration decal during the period allowed under ~~61-1-101(81)(b)~~61-3-
7 224 if at all times during that period a temporary registration permit issued under 61-3-224 is properly
8 displayed."

9

10 **Section 11.** Section 61-3-321, MCA, is amended to read:

11 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from**

12 **registration fees -- disposition of fees -- definition.** (1) Except as otherwise provided in this section,
13 registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles,
14 snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

15 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under
16 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for
17 logging trucks that weigh 1 ton or less is as follows:

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

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

23 (3) (a) Except as provided in subsections (3)(b) and (15), the one-time registration fee based on the
24 declared weight of a trailer, semitrailer, or pole trailer is as follows:

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

27 (b) For a trailer, semitrailer, or pole trailer that is registered under 61-3-701, the annual registration fee
28 based on the declared weight is as follows:

1 (i) if the declared weight is less than 6,000 pounds, \$30; or

2 (ii) if the declared weight is 6,000 pounds or more, \$60.

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

5 (a) 2,850 pounds and over, \$10; and

6 (b) under 2,850 pounds, \$5.

7 (5) (a) Except as provided in subsections (5)(b) and (15), the one-time registration fee for off-highway
8 vehicles other than a quadricycle or motorcycle is \$61.25.

9 (b) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is affixed to
10 an off-highway vehicle other than a quadricycle or motorcycle, the one-time registration fee is \$41.25.

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

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

14 (i) less than 2 years old, \$282.50;

15 (ii) 2 years old and less than 5 years old, \$224.25;

16 (iii) 5 years old and less than 8 years old, \$132.50; and

17 (iv) 8 years old and older, \$97.50.

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

20 (i) a one-time registration fee of \$237.50;

21 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must
22 be deposited in the account established under 61-6-158;

23 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

24 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
25 license plate under 61-3-465.

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

28 (8) (a) (i) Except as provided in subsections (8)(b), (8)(c), and (15), the one-time registration fee for

1 motorcycles and quadricycles registered for use on the public highways is \$53.25, the one-time registration fee
2 for motorcycles and quadricycles registered for off-highway use is \$53.25, and the one-time registration fee for
3 motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

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

6 (b) (i) The annual registration fee for motorcycles and quadricycles registered for use on the public
7 highways under 61-3-701 is \$44.

8 (ii) The annual registration fee for motorcycles and quadricycles registered for off-highway use under
9 61-3-701 is \$44.

10 (iii) The annual registration fee for motorcycles and quadricycles registered for both off-road use and
11 for use on the public highways under 61-3-701 is \$88.

12 (iv) An additional safety fee of \$7 must be collected annually for each motorcycle or quadricycle
13 registered under 61-3-701. The safety fee must be deposited in the state motorcycle safety account provided
14 for in 20-25-1002.

15 (c) Whenever a valid summer motorized recreation trail pass issued pursuant to 23-2-111 is affixed to
16 a motorcycle or quadricycle, the one-time registration fee for motorcycles and quadricycles registered for:

- 17 (i) use on the public highways is \$33.25; and
- 18 (ii) both off-road use and for use on the public highways is \$94.50.

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

- 21 (a) under 16 feet in length, \$72; and
- 22 (b) 16 feet in length or longer, \$152.

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

25 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
26 \$65.50;

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

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

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

4 (b) Whenever a valid winter trail pass issued pursuant to 23-2-636 is affixed to a snowmobile, the one-
5 time registration fee is \$40.50.

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

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

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

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

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

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

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

18 (13) (a) Except as provided in subsection (13)(b), a fee of \$12 must be collected when a new set of
19 standard license plates, a new single standard license plate, or a replacement set of special license plates
20 required under 61-3-332 is issued. The fee imposed under this subsection (13)(a) does not apply when
21 previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section
22 must be paid if the vehicle to which the plates are transferred is not currently registered.

23 (b) An additional fee of \$16 must be collected if a vehicle owner elects to keep the same license plate
24 number from license plates issued before January 1, 2010, when replacement of those plates is required under
25 61-3-332(3).

26 (c) The fees imposed in this subsection (13) must be deposited in the account established under 61-6-
27 158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

28 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are

1 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
2 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a
3 vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d),
4 (1)(e), (1)(g), (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.

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

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

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

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

15 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee
16 of \$9 must be collected for each light vehicle registered under this part. This fee must be accounted for and
17 transmitted separately from the registration fee. Of the \$9 fee:

18 (i) \$6.74 must be deposited in the state special revenue account established in 23-1-105 and used for
19 state parks;

20 (ii) 50 cents must be deposited in an account in the state special revenue fund to the credit of the
21 department of fish, wildlife, and parks and used for fishing access sites;

22 (iii) \$1.37 must be deposited in the trails and recreation facilities state special revenue account
23 established in 23-2-108; and

24 (iv) 39 cents must be deposited in the Montana heritage preservation and development account
25 established in 22-3-1004 and used for the operation of state-owned facilities at Virginia City and Nevada City.

26 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
27 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
28 not to pay the additional \$9 fee provided for in subsection (19)(a). If a written election is made, the fee may not

1 be collected.

2 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
3 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
4 make a written election not to pay the additional \$9 fee provided for in subsection (19)(a). If a written election is
5 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
6 election to pay the additional fee on one or more of the light vehicles.

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

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

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

17 (b) A person who registers one or more light vehicles may, at the time of annual registration, make a
18 written or electronic election to pay the additional \$5 fee provided for in subsection (21)(a).

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

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

24 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of
25 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the
26 current fiscal year appropriation for the account established in 61-3-112.

27 (24) ~~For the purposes of~~ As used in this section, "manufacturer's suggested retail price" means the
28 price suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home

1 produced and first made available for retail sale by the manufacturer."

2

3 **Section 12.** Section 61-3-412, MCA, is amended to read:

4 **"61-3-412. Display of original Montana license plates or collector reproduction license plates**
5 **on collector's item and general transportation collector's item motor vehicles -- definitions -- validation.**

6 (1) As used in 61-3-413 and this section, the following definitions apply:

7 (a) "Collector reproduction license plate" means a license that is a reproduction of the original license
8 plate issued according to the provisions of 61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M.
9 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the
10 motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed. To
11 qualify as a collector reproduction license plate, the reproduction plate must be made of metal, must be the
12 same size and color as the original license plate, and must have the same design, including any embossed or
13 raised letters or numbers, as the original license plate.

14 (b) "General transportation collector's item" means a motor vehicle, trailer, semitrailer, or pole trailer
15 that is 25 years old or older and that is used for general transportation purposes.

16 (b) "Original Montana license plate" means a license plate issued according to the provisions of 61-3-
17 331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever
18 section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer
19 on which the license plate is authorized to be displayed.

20 (2) Notwithstanding the provisions of 61-3-332, the department shall authorize the owner of a motor
21 vehicle, trailer, semitrailer, or pole trailer registered as provided in 61-3-411 or 61-3-413 to display original
22 Montana license plates or collector reproduction license plates, with validation as required in 61-3-413 or
23 subsection (4) of this section, after:

24 (a) payment of the fee required in subsection (6);

25 (b) inspection by a highway patrol officer of the original Montana license plate or collector reproduction
26 license plate to be displayed on the motor vehicle, trailer, semitrailer, or pole trailer and, upon payment of a \$5
27 fee, receipt of the highway patrol officer's certification that the officer has determined that:

28 (i) the license plate is legible and meets the requirements of subsection (1); and

1 (ii) in the case of a license plate intended for use on a general transportation collector's item, the
2 license plate is visible at night;

3 (c) receipt of an application by the owner of the motor vehicle, trailer, semitrailer, or pole trailer as
4 provided for in 61-3-411 or 61-3-413; and

5 (d) in the case of a general transportation collector's item application, certification from the department
6 that a duplicate license plate number does not exist among currently issued license plates.

7 (3) The owner of a motor vehicle, trailer, semitrailer, or pole trailer manufactured in the year 1948,
8 1949, or 1950 may display a single original Montana license plate that is affixed to the rear of the vehicle. The
9 original Montana license plate must be legible and must bear the year that matches the year in which the
10 vehicle was manufactured.

11 (4) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of
12 subsection (2), the department shall:

13 (a) register the motor vehicle, trailer, semitrailer, or pole trailer as prescribed in 61-3-303; and

14 (b) issue a validating decal inscribed with:

15 (i) a unique number; and

16 (ii) the letter:

17 (A) "P" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(a); or

18 (B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-411(2)(b).

19 (5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the
20 validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a
21 windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or
22 pole trailer.

23 (6) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department with
24 the application required under this section a one-time special collector's item motor vehicle, trailer, semitrailer,
25 or pole trailer license fee of \$20."

26

27 **Section 13.** Section 61-3-413, MCA, is amended to read:

28 **"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -**

1 - permanent registration required. ~~(1) For the purposes of 61-3-412 and this section, a "general~~
2 ~~transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older~~
3 ~~and that is used for general transportation purposes.~~

4 ~~(2)(1)~~ An owner of a general transportation collector's item who wishes to display original Montana
5 license plates or collector reproduction license plates on the motor vehicle, trailer, semitrailer, or pole trailer
6 shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole
7 trailer. The application must state:

- 8 (a) the name and address of the owner;
- 9 (b) the year and number of the license plate the applicant wishes to use; and
- 10 (c) the make, the gross weight, the year and number of the model, and the manufacturer's
- 11 identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

12 ~~(3)(2)~~ Upon receipt of an application for registration of a general transportation collector's item that will
13 display an original Montana license plate, the department shall compare the number of the license plate that the
14 applicant intends to use with the license plate numbers assigned to currently registered motor vehicles, trailers,
15 semitrailers, or pole trailers. The department may reject an application if the number the applicant intends to
16 use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or pole trailer.
17 If the department approves the application, the department shall file the application and register the motor
18 vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

19 ~~(4)(3)~~ Upon receipt of an application for registration of a general transportation collector's item that will
20 display a collector reproduction license plate, the department shall determine a distinctive license plate number
21 to be assigned to the collector reproduction license plate. The department may:

- 22 (a) issue a new license plate number following the requirements for issuing distinctive license plate
- 23 numbers under 61-3-331;
- 24 (b) issue a new personalized license plate number under 61-3-401 through 61-3-406; or
- 25 (c) at the request of the owner, transfer a license plate number that is already assigned to the general
- 26 transportation collector's item or another motor vehicle owned by the owner of the general transportation
- 27 collector's item.

28 ~~(5)(4)~~ The general transportation collector's item owner may take the license plate number issued

1 pursuant to subsection (4) and purchase a collector reproduction license plate from any source.

2 ~~(6)~~(5) The one-time application fee for a collector reproduction license plate under subsection (4) is
3 \$50. The fee must be deposited as follows:

4 (a) \$25 must be deposited into the state special revenue account to partially fund highway patrol
5 officers' salaries established in 44-1-504; and

6 (b) \$25 must be deposited into the motor vehicle division administration account established in 61-3-
7 112.

8 ~~(7)~~(6) Once an application is approved, appropriate fees are paid, and the requirements provided in
9 61-3-412(2) are met, an owner of a general transportation collector's item shall permanently register the motor
10 vehicle, trailer, semitrailer, or pole trailer as provided in 61-3-562 and shall display on the motor vehicle's,
11 trailer's, semitrailer's, or pole trailer's license plate a decal indicating that the motor vehicle, trailer, semitrailer,
12 or pole trailer has been permanently registered."
13

14 **Section 14.** Section 61-3-503, MCA, is amended to read:

15 **"61-3-503. Assessment -- definition.** (1) (a) Except as provided in 61-3-520, light vehicles subject to
16 a local option motor vehicle tax under 61-3-537 must be assessed the tax as of the first day of the registration
17 period, using the depreciated value of the manufacturer's suggested retail price as determined in subsection
18 (2).

19 (b) If the depreciated value is less than \$500, the department shall value the motor vehicle at \$500.

20 (2) (a) Except as provided in subsections (2)(c) and (2)(d), the depreciated value for the taxation of
21 light vehicles is computed by multiplying the manufacturer's suggested retail price by a percentage multiplier
22 based on the type and age of the light vehicle determined from the following table:

Age of Vehicle (in years)	Type of Vehicle			
	Automobile	Truck	Van	Sport Utility
-1	100%	100%	100%	100%
0	90	96	93	98

1	80	91	86	94
2	69	86	78	90
3	58	80	69	84
4	49	73	60	76
5	41	66	52	67
6	33	57	45	57
7	26	49	38	48
8	21	43	32	39
9	17	37	27	33
10	14	31	22	29
11	12	26	18	25
12	10	22	15	22
13	09	18	13	21
14	09	15	11	19
15	09	13	09	17
16	09	12	09	15

1 (b) The age for the light vehicle is determined under 61-3-501.

2 (c) If the value of the light vehicle determined under subsection (2)(a) is \$500 or less, the value of the
3 light vehicle is \$500 and the value must remain at that amount as long as the light vehicle is registered.

4 (d) The depreciated value of a light vehicle that is 17 years old or older is computed by depreciating
5 the value obtained for the vehicle at 16 years old, as determined under subsection (2)(a), by 10% a year until a
6 minimum value of \$500 is attained. The value must remain at that amount as long as the light vehicle is
7 registered.

8 (3) (a) ~~For the purposes of~~ As used in this section, "manufacturer's suggested retail price" means the
9 price suggested by the manufacturer for each given type, style, or model of light vehicle produced and first
10 made available for retail sale by the manufacturer.

11 (b) The manufacturer's suggested retail price is based on standard equipment of a light vehicle and
12 does not contain price additions or deductions for optional accessories.

1 (c) When a manufacturer's suggested retail price is unavailable for a motor vehicle, the department
2 shall determine an alternative valuation for the motor vehicle."
3

4 **Section 15.** Section 61-4-102, MCA, is amended to read:

5 **"61-4-102. Dealer plates -- restriction of use -- fees -- definitions.** (1) Except as provided in
6 subsection (2), the department shall furnish a dealer licensed under this part with one or more sets of
7 numbered dealer plates in accordance with the provisions of this section.

8 (2) Dealer plates may not be issued to a new or used dealer whose business is restricted to the sale of
9 motorcycles, power sports vehicles, or trailers.

10 (3) (a) In addition to the fees required under the provisions of 61-4-101 and 61-4-124, an applicant for
11 a dealer's license shall pay an annual fee of \$25 for each set of numbered dealer plates requested and issued.

12 (b) The number of dealer plates that may be issued to a dealer must be determined as follows:

13 (i) a dealer is entitled to one set of dealer plates upon the issuance of an original license or a renewed
14 license;

15 (ii) an applicant qualified for a license renewal is entitled to additional sets of numbered plates based
16 on the following formula:

17 (A) 5% of the first 100 motor vehicle sales for the previous year; plus

18 (B) 3% of the next 100 motor vehicle sales for the previous year; plus

19 (C) 2% of motor vehicle sales in excess of 200 for the previous year; and

20 (iii) a dealer is entitled to additional sets of dealer plates during a license term as the dealer's sales
21 incrementally meet or exceed the requirements of the formula established in subsection (3)(b)(ii). However, the
22 aggregate number of sets of dealer plates issued to a dealer under this subsection (3)(b)(iii) may not exceed
23 the combined number allowed under subsections (3)(b)(i) and (3)(b)(ii).

24 (4) (a) A dealer is authorized to use and display dealer plates on a motor vehicle, except a motorcycle,
25 held for bona fide sale by the dealer and that is operated by or under the control of the dealer, the dealer's
26 spouse, officers, or employees. The display of a Monroney label or a buyer's guide label, as required by 61-4-
27 123(2), on a motor vehicle bearing dealer plates is, for the purpose of this subsection, prima facie evidence that
28 the motor vehicle is offered for bona fide sale by the dealer.

(b) ~~For purposes of~~As used in this subsection (4):

(i) the term "officers" includes only the persons listed on the manufacturer's franchise agreement or the importer's distribution agreement; and

(ii) the term "employees" means persons upon whom the dealer has paid social security taxes as a full-time employee; and

~~(ii) the display of a Monroney label or a buyer's guide label, as required by 61-4-123(2), on a motor vehicle bearing dealer plates is prima facie evidence that the motor vehicle is offered for bona fide sale by the dealer.~~

(5) Dealer plates may not be used or displayed on motor vehicles used for hire, lease, or rental.

(6) (a) A dealer is accountable for each set of numbered dealer plates issued and, except as provided in subsection (6)(b), shall file an annual report with the department certifying the disposition of each set of dealer plates assigned to the dealer and specifying the name, address, and occupation of the person primarily using each set of plates.

(b) Upon reassignment of one or more sets of dealer plates to another person, within 15 days of the reassignment, the dealer shall notify the department, in a manner prescribed by the department, of the name, address, and occupation of the person to whom the plates were assigned."

Section 16. Section 61-4-104, MCA, is amended to read:

"61-4-104. Record of purchase or sale -- definition. (1) (a) A dealer, wholesaler, or auto auction licensed under this part shall keep:

(i) a book or record of the purchases, sales or exchanges, or receipts for the purpose of sale of used vehicles; and

(ii) for each used vehicle, a description of the vehicle, the date of purchase, sale, or consignment of the vehicle, and the name and address of:

(A) the person from whom the dealer or wholesaler acquired the vehicle's ownership or, if consigned, possessory interest in the vehicle;

(B) the person to whom the dealer, wholesaler, or auto auction assigned the vehicle; and

(C) a secured party with a perfected security interest in the vehicle to which the dealer's, wholesaler's,

1 or auto auction's interest is subordinate, if any.

2 (b) If the vehicle is a trailer, semitrailer, pole trailer, or special mobile equipment, the record must
3 include the manufacturer's number and other numbers or identification marks that appear on the vehicle.

4 (c) The vehicle description must also include the vehicle identification number, if any, and must include
5 a statement that a number has been obliterated, defaced, or changed if that has occurred.

6 (2) (a) Except as provided in subsection (2)(b), a dealer, wholesaler, or auto auction must also have
7 the actual or a readily accessible photocopy, electronic copy, or digital copy of the actual assigned certificate of
8 ownership, certificate of title, or manufacturer's certificate of origin from the owner of each vehicle in which the
9 dealer, wholesaler, or auto auction acquires a property interest that transfers ownership of the vehicle to the
10 dealer, wholesaler, or auto auction from the time the vehicle is delivered to the dealer, wholesaler, or auto
11 auction until it has been disposed of by the dealer, wholesaler, or auto auction.

12 (b) A dealer may offer for sale or may sell or exchange a vehicle without having the assigned
13 certificate of ownership, certificate of title, or manufacturer's certificate of origin if:

14 (i) the dealer has applied for the title as provided in Title 61, chapter 3, part 2; or

15 (ii) the vehicle is financed by the dealer as inventory through a financial institution, the financial
16 institution holds the certificate of ownership, certificate of title, or manufacturer's certificate of origin as
17 collateral, and the dealer has a readily accessible photocopy, electronic copy, or digital copy of the certificate of
18 ownership, certificate of title, or manufacturer's certificate of origin.

19 (3) It is a violation of this part for a dealer, wholesaler, or auto auction to fail to:

20 (a) take assignment of the certificate of ownership, certificate of title, or manufacturer's certificate of
21 origin for a vehicle acquired by the dealer, wholesaler, or auto auction; or

22 (b) assign the certificate of ownership, certificate of title, or manufacturer's certificate of origin for any
23 vehicle sold in which the dealer, wholesaler, or auto auction has a property interest.

24 (4) (a) Except as provided in subsection (4)(b), all records required to be kept in accordance with this
25 section and the odometer disclosure information required to be retained under 61-3-206(5) must be physically
26 located and maintained at or readily accessible within the building referred to in 61-4-101.

27 (b) A dealer, wholesaler, or auto auction that does not maintain the actual certificate of ownership,
28 certificate of title, or manufacturer's certificate of origin at the building referred to in 61-4-101 shall maintain a

1 readily accessible record of the certificate of ownership, certificate of title, or manufacturer's certificate of origin
2 at the building.

3 (c) ~~For the purposes of~~As used in this section, "readily accessible" means available in paper form or in
4 an electronic or digital format.

5 (5) An authorized representative of the department, upon presentation of the representative's
6 credentials, may inspect and have access to and copy any records required under this chapter."

7

8 **Section 17.** Section 61-4-110, MCA, is amended to read:

9 **"61-4-110. Obligation of dealer to pay off liens on motor vehicles accepted in trade, purchase,**

10 **or consignment -- duties of dealer and secured party -- definition.** (1) (a) If a dealer accepts a motor
11 vehicle in trade or purchase from a customer and there is an outstanding loan balance owing on the traded or
12 purchased motor vehicle, the dealer shall remit payment to the secured party to whom the balance on the
13 traded or purchased motor vehicle is owed in an amount sufficient to satisfy the perfected security interest on
14 the traded or purchased motor vehicle by the earlier of the following dates:

15 (i) 21 days from the date of acceptance of the motor vehicle in trade; or

16 (ii) 15 days from the date of the receipt by the dealer of payment in full from the sale of the traded
17 motor vehicle.

18 (b) If a dealer accepts a motor vehicle from an owner for sale upon consignment and there is an
19 outstanding loan balance owing on the consigned motor vehicle, the dealer shall remit payment to the secured
20 party to whom the balance on the consigned motor vehicle is owed in an amount sufficient to satisfy the
21 perfected security interest on the consigned motor vehicle within 15 days from the date of the receipt by the
22 dealer of payment in full for sale of the consigned motor vehicle.

23 (2) A secured party who has been paid in full by a dealer in accordance with the terms of this section
24 shall forward to the department a properly executed release within:

25 (a) 15 business days after the business day on which the funds are received when the funds are in
26 cash, cashier's check, certified check, teller's check, or other certified source of funds;

27 (b) 18 business days after the business day on which the funds are received when the funds are in the
28 form of a check drawn on a local originating depository institution; or

1 (c) 21 business days after the business day on which the funds are received when the funds are in the
2 form of a check drawn on a nonlocal originating depository institution.

3 (3) ~~For purposes of as used in~~ this section, "business day" means a weekday, excluding any weekday
4 upon which a legal holiday falls."
5

6 **Section 18.** Section 61-4-111, MCA, is amended to read:

7 **"61-4-111. Used vehicles -- transfer to and from dealers.** (1) Except as provided in 61-4-124(6), a
8 dealer or wholesaler who intends to resell a used motor vehicle, power sports vehicle, or trailer and who
9 operates the motor vehicle, power sports vehicle, or trailer only for demonstration purposes:

10 (a) is exempt from registration under 23-2-515, 23-2-616, 23-2-804, or 61-3-302(3) when applying for a
11 certificate of title; and

12 (b) may transfer or receive ownership of a motor vehicle, power sports vehicle, or trailer by use of a
13 dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment
14 sections on a certificate of title has been completed, ownership of the motor vehicle, power sports vehicle, or
15 trailer may not be transferred until an application for a certificate of title has been submitted by the dealer or an
16 authorized agent to an authorized agent or the department and a new certificate of title has been issued.

17 (2) Upon the transfer of a used motor vehicle, power sports vehicle, or trailer to a person other than a
18 dealer or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the
19 used motor vehicle, power sports vehicle, or trailer was transferred if the dealer is an authorized agent, ~~as~~
20 ~~defined in 61-1-101~~. In addition, the following acts are required of the dealer on or before the times set forth in
21 this subsection:

22 (a) Within 30 calendar days following the date of delivery of the motor vehicle, power sports vehicle, or
23 trailer or within 120 calendar days if a temporary registration permit is issued pursuant to 61-3-303(4)(b), the
24 dealer shall forward to an authorized agent or to the county treasurer of the county where the owner of the
25 motor vehicle, power sports vehicle, or trailer is domiciled:

26 (i) the assigned certificate of title or, if a certificate of title for the motor vehicle, power sports vehicle, or
27 trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in the
28 dealer's possession; and

1 (ii) an application for a certificate of title executed by the new owner in accordance with the provisions
2 of 61-3-216 and 61-3-220.

3 (b) Transmission of the documents by the dealer to the county treasurer or an authorized agent may
4 be accomplished either by personal delivery, by first-class mail, or by electronic means, as authorized by the
5 department.

6 (c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the
7 time set forth in subsection (2)(a), the dealer is subject to the provisions of 61-4-119.

8 (3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle,
9 power sports vehicle, or trailer is considered to have passed to the purchaser as of the date of the delivery of
10 the motor vehicle, power sports vehicle, or trailer to the purchaser by the dealer, and the dealer has no further
11 liability or responsibility with respect to the processing of registration."
12

13 **Section 19.** Section 61-4-121, MCA, is amended to read:

14 **"61-4-121. Temporary registration permit -- limitation on issuance and transfer -- violation --**
15 **penalty.** (1) If the dealer is an authorized agent, ~~as defined in 61-1-101,~~ the dealer may not issue more than
16 one temporary registration permit under 61-4-111 or 61-4-112 for each motor vehicle sale.

17 (2) A dealer who violates the provisions of subsection (1) is subject to revocation of the privilege to
18 issue temporary registration permits for a period of time determined by the department."
19

20 **Section 20.** Section 61-4-123, MCA, is amended to read:

21 **"61-4-123. Dealer requirements and restrictions.** (1) A used dealer may not sell a new motor
22 vehicle, a new power sports vehicle, or a new trailer.

23 (2) A dealer may not display at the dealer's established place of business or any approved off-
24 premises sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label
25 required for new motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor
26 vehicles pursuant to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously
27 displayed within the motor vehicle in a fashion that is readily readable by a customer.

28 (3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle, power

1 sports vehicle, or trailer offered for sale at any geographic location other than that of the dealer's established
2 place of business as listed on the dealer's license.

3 (b) A dealer may park a motor vehicle in a storage lot if:

4 (i) local zoning regulations permit that type of use;

5 (ii) the lot is in the county where the dealer's established place of business is located;

6 (iii) the dealer does not sell or advertise the sale of the motor vehicle at the lot; and

7 (iv) if applicable, the placement of the motor vehicle complies with the dealer's franchise agreement.

8 (4) (a) Upon prior notice to the department, a dealer may conduct an off-premises display and sale at a
9 geographic location other than that of the dealer's established place of business as listed on the dealer's
10 license if the dealer obtains a permit from the department. The department may require proof from the dealer
11 that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances.
12 An off-premises display and sale must be conducted within the county of the dealer's licensed location unless
13 the off-premises display and sale are restricted to recreational vehicles or power sports vehicles. A new motor
14 vehicle dealer whose area of responsibility under the dealer's franchise agreement includes a county different
15 from the county in which the dealer's established place of business is located may conduct an off-premises
16 display and sale, subject to the agreement, in the other county if there is no other new motor vehicle dealer with
17 an established place of business in that county. The display and sale authorized by this subsection (4)(a) may
18 not exceed 10 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays
19 and sales during any 1 calendar year.

20 (b) A dealer may display one or more motor vehicles, power sports vehicles, or trailers inside an airport
21 terminal or shopping mall without obtaining an off-premises display and sale permit if no actual sales are made,
22 or could be made, at the terminal or mall.

23 (c) Upon prior written notice to the department, a dealer may display one motor vehicle, power sports
24 vehicle, or trailer at a geographic location other than that of the dealer's established place of business as listed
25 on the dealer's license if no actual sales are made, or could be made, at the display location and the display:

26 (i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or
27 association organized and operated exclusively for religious, charitable, scientific, or educational purposes and
28 the motor vehicle, power sports vehicle, or trailer is displayed at a location where the event is being held or the

1 program is being promoted; or

2 (ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly
3 identified business entity and the motor vehicle, power sports vehicle, or trailer is displayed on premises owned
4 or leased by the other business entity and where the other entity regularly conducts its business. A display
5 under this subsection (4)(c)(ii) may not exceed 90 days in a calendar year.

6 (5) If more than one dealer displays motor vehicles, power sports vehicles, or trailers at the same
7 geographic location as another dealer's established place of business, each dealer shall ensure that all records,
8 office facilities, and inventory, if applicable, are physically segregated from those of the other dealer and clearly
9 identified and attributed to the appropriate dealer.

10 (6) A dealer shall install and maintain telephone service at the dealer's established place of business.
11 The telephone service must be listed in the directory assistance that applies to the area in which the business is
12 located, or if a cellular service is used, the dealer's cell phone number must be posted at the dealer's
13 established place of business.

14 (7) A dealer shall conspicuously post at the dealer's established place of business written notice
15 indicating the regular and customary office hours maintained by the dealer.

16 (8) (a) A dealer shall carry and continuously maintain a general liability insurance policy that covers
17 any motor vehicle bearing a set of dealer plates or a demonstrator plate and any power sports vehicle
18 displaying a dealer's identification card that is offered for demonstration or loan to a customer or that otherwise
19 may be operated by a customer in the regular course of the dealer's business operations.

20 (b) A dealer shall ensure that the department is named as a certificate holder on any general liability
21 insurance policy held by the dealer, that the minimum term of the policy is 1 year, and that a lapse of insurance
22 does not occur as a result of cancellation or termination of a previously certified policy.

23 (c) This subsection (8) does not relieve a dealer of the mandatory motor vehicle liability insurance
24 obligation imposed under chapter 6 of this title.

25 (9) A dealer shall display at the dealer's established place of business at least one sign stating the
26 name of the business and indicating that motor vehicles, power sports vehicles, or trailers are offered for sale,
27 trade, or consignment. The letters of the sign must be at least 6 inches in height and clearly visible and
28 readable to the major avenue of traffic at a minimum distance of 150 feet.

1 (10) As used in this section "storage lot" means property owned, leased, or rented by a dealer that is
2 not contiguous to the dealer's established place of business where a motor vehicle from the dealer's inventory
3 may be placed when space at the dealer's established place of business is not available."
4

5 **Section 21.** Section 61-4-212, MCA, is amended to read:

6 **"61-4-212. Damage notice -- definition.** (1) Except as provided in subsection (2), a franchisor is
7 required:

8 (a) to disclose in writing to a new motor vehicle dealer damage to a new motor vehicle delivered to the
9 new motor vehicle dealer if the damage is known to the franchisor and repaired, the damage occurred after the
10 manufacturing process is complete but before delivery to the new motor vehicle dealer, and the damage
11 exceeds 5% of the franchisor's suggested retail price as calculated at the rate of the new motor vehicle dealer's
12 authorized warranty rate for labor and parts; and

13 (b) to disclose in writing to a purchaser of the new motor vehicle before entering into a sales contract
14 that the new motor vehicle has been damaged and repaired if the damage to the new motor vehicle exceeds
15 5% of the franchisor's suggested retail price as calculated at the rate of the new motor vehicle dealer's
16 authorized warranty rate for labor and parts.

17 (2) Disclosure is not required for any glass, tires, or bumper of a new motor vehicle if the damaged
18 item has been replaced with original or comparable equipment.

19 (3) If disclosure is not required under subsection (2), a purchaser may not revoke or rescind a sales
20 contract due solely to the fact that the new motor vehicle was damaged and repaired before completion of the
21 sale.

22 (4) ~~For purposes of~~As used in this section, "franchisor's suggested retail price" means the retail price
23 of the new motor vehicle suggested by the franchisor, including the retail delivered price suggested by the
24 franchisor for each accessory or item of optional equipment physically attached to the new motor vehicle at the
25 time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the
26 franchisor for the new motor vehicle."
27

28 **Section 22.** Section 61-4-213, MCA, is amended to read:

1 **"61-4-213. Warranty reimbursement -- definitions.** (1) (a) If a motor vehicle franchisor requires or
2 permits motor vehicle franchisees to perform labor or provide parts in satisfaction of a warranty issued by the
3 franchisor:

4 (i) the motor vehicle franchisor shall reimburse the motor vehicle franchisee for the labor as rendered,
5 using the franchisor's labor time guide or the labor time guide used by the dealer for labor furnished other than
6 pursuant to warranty, at the dealer's election, and for parts and supplies, including but not limited to engine,
7 transmission, and other parts assemblies, as furnished, in an amount equal to the prevailing retail rate charged
8 by the franchisee for the labor or the prevailing retail markup charged by the franchisee for the parts and
9 supplies in circumstances in which the labor is rendered or the parts and supplies are furnished other than
10 pursuant to warranty;

11 (ii) the motor vehicle franchisor shall reimburse the motor vehicle franchisee pursuant to subsection
12 (1)(a)(i) for labor performed on and parts supplied for a motor vehicle by the franchisee in good faith and in
13 accordance with the manufacturer's warranty and written repair requirements and procedures, notwithstanding
14 any requirement that the franchisor accept the return of the motor vehicle or make payment to a consumer with
15 respect to the motor vehicle pursuant to the provisions of Title 61, chapter 4, part 5; and

16 (iii) the motor vehicle franchisee may establish its prevailing retail labor rate or parts markup by
17 submitting to the motor vehicle franchisor whichever of the following produces the fewer number of repair
18 orders, all of which must be for repairs made no more than 180 days before the submission:

19 (A) all consecutive repair orders that include 100 sequential repair orders reflecting qualified repairs; or

20 (B) all repair orders closed during any period of 90 consecutive days.

21 (b) The submission required under subsection (1)(a)(iii) may consist of:

22 (i) a single set of repair orders for calculating both the franchisee's prevailing retail labor rate and its
23 parts markup;

24 (ii) separate sets of repair orders, one for calculating the franchisee's prevailing retail labor rate and the
25 other for calculating its parts markup; or

26 (iii) a set of repair orders for calculating only the franchisee's prevailing retail labor rate or only its
27 prevailing retail parts markup.

28 (2) The motor vehicle franchisee shall calculate its prevailing retail labor rate by determining the total

1 charges for labor from the qualified repairs submitted and then dividing that amount by the total number of
2 hours charged for the repairs.

3 (3) The motor vehicle franchisee shall calculate its prevailing retail parts markup by determining the
4 total charges for parts from the qualified repairs submitted, dividing that amount by the franchisee's total cost of
5 the purchase of those parts including shipping and other charges, subtracting 1, and multiplying by 100 to
6 produce a percentage.

7 (4) The motor vehicle franchisee shall provide written notice to the motor vehicle franchisor of its
8 prevailing retail labor rate or prevailing retail parts markup calculated in accordance with subsection (2) or (3) if
9 the franchisee seeks to be compensated under subsection (1).

10 (5) Any discounts must be allocated as indicated on the face of a repair order between parts and labor.
11 If no allocation is indicated, they must be allocated pro rata. Manufacturer or distributor promotional reward
12 program cash-equivalent pay methods may not be considered discounts.

13 (6) (a) The prevailing retail labor rate or the prevailing retail parts markup that is declared must go into
14 effect 30 days following the motor vehicle franchisor's receipt of the notice referred to in subsection (2) unless
15 within the 30-day period the franchisor contests the declaration by written notice of objection, received by the
16 motor vehicle franchisee within the 30-day period, that the declared rate or markup is materially inaccurate.

17 (b) The objection must contain:

18 (i) a full explanation of any and all reasons that the declared rate is materially inaccurate;

19 (ii) evidence substantiating each stated reason;

20 (iii) a copy of all calculations used by the franchisor to demonstrate the material inaccuracy; and

21 (iv) a proposed adjusted retail labor rate or retail parts rate, as applicable.

22 (c) The motor vehicle franchisor may not submit more than one notice of objection to the motor vehicle
23 franchisee with respect to any declared labor rate or retail parts markup, except in connection with litigation.

24 After submitting the notice of objection, the franchisor may not add to, expand, supplement, or otherwise modify
25 any element of the objection, including but not limited to its grounds for contesting the labor rate or parts
26 markup, except in connection with litigation.

27 (d) A revision or supplement to a submission to correct or clarify the submission does not constitute a
28 new submission for any purpose, including but not limited to that of subsection (9).

1 (7) In a judicial proceeding or a department proceeding involving an application or enforcement of the
2 provisions of 61-4-203, 61-4-204, and 61-4-210(4):

3 (a) the issue must be limited to whether the labor rate or parts markup submitted by the motor vehicle
4 franchisee was materially inaccurate;

5 (b) the motor vehicle franchisor has the burden of proof; and

6 (c) any resolution of the matter must be retroactive to the date 30 days following the franchisor's
7 receipt of the franchisee's submission.

8 (8) A motor vehicle franchisor may not directly or indirectly:

9 (a) (i) require a motor vehicle franchisee to establish or alter its labor rate or parts markup by any
10 means or methodology other than as prescribed in 61-4-204; or

11 (ii) except to object to or rebut a franchisee's declared retail labor rate or parts markup, itself initiate a
12 process to establish or alter that labor rate or parts markup, including but not limited to:

13 (A) substituting any other purported qualified repair order sample for that submitted by a franchisee,
14 including but not limited to the use, for purposes of establishing or reducing the franchisee's labor rate, of the
15 franchisee's sample submitted for purposes of establishing or increasing its parts markup or the use, for
16 purposes of establishing or reducing the franchisee's parts markup, of the franchisee's sample submitted for
17 purposes of establishing or increasing its labor rate; or

18 (B) imposing an unduly burdensome or time-consuming method or requiring information that is unduly
19 burdensome or time-consuming to provide, including but not limited to part-by-part or transaction-by-transaction
20 calculations;

21 (b) recover or attempt to recover all or any portion of the franchisor's costs for compensating its
22 dealers for warranty labor, parts, or supplies, either by reduction in the amount due or by separate charge or a
23 surcharge to the wholesale price paid by the dealer to the franchisor for any product, including motor vehicles
24 and parts;

25 (c) establish or implement a special part number for parts used in warranty work if it results in lower
26 compensation to the franchisee than as calculated in this section;

27 (d) require, influence, or attempt to influence a franchisee to implement or change the prices for which
28 it sells parts or labor in retail repairs;

- 1 (e) take or threaten to take adverse action against a franchisee who seeks to obtain compensation
2 pursuant to this section or dissuade or discourage the franchisee from doing so, including but not limited to:
- 3 (i) creating or implementing an obstacle or process that is inconsistent with the franchisor's obligations
4 to the franchisee under this section;
- 5 (ii) acting or failing to act, other than in good faith;
- 6 (iii) hindering, delaying, or rejecting the proper and timely payment of compensation due under this
7 section to a franchisee;
- 8 (iv) establishing, implementing, enforcing, or applying any policy, standard, rule, program, or incentive
9 regarding compensation due under this section other than in a uniform and consistent manner among the
10 franchisor's franchisees in this state; or
- 11 (v) conducting or threatening to conduct any warranty repair, nonwarranty repair, or other service-
12 related audit; or
- 13 (f) implement or continue a policy, procedure, or program to any of its franchisees for compensation
14 that is inconsistent with this section.
- 15 (9) A motor vehicle franchisee may not submit, to establish or increase rates paid pursuant to
16 subsections (1)(a)(iii) and (1)(b):
- 17 (a) its warranty labor rate more than once in a 12-month period; and
18 (b) its warranty parts markup more than once in a 12-month period.
- 19 (10) A recreational motor vehicle franchisee's warranty compensation for parts means actual
20 wholesale cost plus a minimum 30% handling charge and any freight costs incurred to return the removed parts
21 to the recreational motor vehicle franchisor.
- 22 (11) If a motor vehicle franchisor supplies a part or parts to a motor vehicle franchisee at no cost or at
23 a reduced cost for use in fulfilling a warranty, the franchisor must compensate the franchisee for the
24 franchisee's cost of the part, if any, plus an amount equal to the franchisee's prevailing retail parts markup,
25 multiplied by the fair wholesale value of the part. The fair wholesale value of the part is the greater of:
- 26 (a) the amount the franchisee paid for the part or a substantially identical part if already owned by the
27 franchisee;
- 28 (b) the cost of the part shown in a current or prior established price schedule of the franchisor; or

1 (c) the cost of a substantially identical part shown in a current or prior established price schedule of the
2 franchisor.

3 (12) (a) The motor vehicle franchisor shall reimburse the motor vehicle franchisee for parts supplied
4 and labor rendered under a warranty within 30 days after approval of a claim for reimbursement.

5 (b) All claims for reimbursement must be approved or disapproved within 30 days after receipt of the
6 claim by the motor vehicle franchisor. When a claim is disapproved, the motor vehicle franchisee must be
7 notified in writing of the grounds for the disapproval. A claim that has been approved and paid may not be
8 charged back to the franchisee unless it can be shown that the claim was false or fraudulent, that the labor was
9 not properly performed, or that the parts or labor were unnecessary to correct the defective condition.

10 (c) A manufacturer may not deny a claim or reduce the amount to be reimbursed to the dealer if the
11 dealer has provided reasonably sufficient documentation demonstrating that the dealer performed the services
12 in compliance with the written policies and procedures of the manufacturer known to the dealer at the time of
13 submission of the claim.

14 (d) A manufacturer may not deny a claim based solely on a dealer's incidental failure to comply with a
15 specific claim processing requirement, such as a clerical error or other administrative technicality that does not
16 put into question the legitimacy of the claim.

17 (e) A franchisor may not audit a claim after the expiration of 12 months following the payment of the
18 claim.

19 (13) ~~For the purposes of~~As used in this section, the following definitions apply:

20 (a) "Labor" means work or service performed, including that of a diagnostic character, with respect to
21 repair of a motor vehicle.

22 (b) "Parts" means original or replacement parts, accessories, and components with respect to a motor
23 vehicle, including engine, transmission, and other parts assemblies.

24 (c) (i) "Qualified repair" means a repair to a vehicle that:

25 (A) would have come within the motor vehicle franchisor's new vehicle warranty but for the vehicle
26 having exceeded the time or mileage limit of the warranty;

27 (B) does not otherwise constitute warranty work; and

28 (C) does not constitute any of the work encompassed by subsection (13)(c)(ii).

- 1 (ii) The term does not include:
- 2 (A) routine maintenance, including but not limited to replacements of fluids, filters, batteries, bulbs,
- 3 belts, nuts, bolts, or fasteners, unless provided in the course of and related to a repair;
- 4 (B) replacements of or work on tires, wheels, or elements related to either tires or wheels, including but
- 5 not limited to vehicle alignments and tire or wheel rotations;
- 6 (C) repairs for which volume discounts have been negotiated with government agencies, insurers,
- 7 extended warranty or service contract providers, or other third-party payors;
- 8 (D) repairs that are the subject of motor vehicle franchisor special events, promotions, or service
- 9 campaigns or are otherwise subject to motor vehicle franchisor discounts;
- 10 (E) repairs of motor vehicles owned by the dealer or an employee of the dealer;
- 11 (F) installations of accessories;
- 12 (G) repairs of conditions caused by collision, road hazard, the force of the elements, vandalism, theft,
- 13 or owner, operator, or third-party negligence or deliberate acts;
- 14 (H) safety or vehicle emission inspections required by law;
- 15 (I) vehicle reconditioning;
- 16 (J) parts sold at wholesale;
- 17 (K) repairs using aftermarket parts; or
- 18 (L) goodwill repairs or replacements approved and reimbursed by the motor vehicle franchisor.
- 19 (d) "Qualified repair order" means a repair order that encompasses, in whole or in part, a qualified
- 20 repair or repairs.
- 21 (e) "Repair order" means an invoice paid by a retail customer and closed as of the time of submission,
- 22 encompassing one or more repairs to or other work on a vehicle, and reflecting, in the case of a prevailing retail
- 23 parts markup submission, the cost of each part and its sale price and, in the case of a prevailing retail labor rate
- 24 submission, the labor hours allocated to each job and the sale price of the labor. The invoice may be submitted
- 25 in electronic form.
- 26 (f) "Warranty" means, in addition to a new motor vehicle warranty, predelivery preparation, a recall, or
- 27 a certified preowned warranty, in each case issued or administered by a motor vehicle franchisor."
- 28

1 **Section 23.** Section 61-4-402, MCA, is amended to read:

2 **"61-4-402. Definitions.** As used in this part, the following definitions apply:

3 (1) "Finance company" or "finance agency" means a person, firm, association, corporation, or other
4 organization engaged in the business of buying, selling, assigning, dealing, financing, or acquiring conditional
5 contracts of sale or engaged in the business of purchasing or acquiring promissory notes or any other form or
6 evidences of indebtedness of sale, either secured by vendor's lien, conditional bill of sale, chattel mortgage, or
7 leases arising out of the sale of motor vehicles in this state.

8 (2) The term "manufacturer" means a person, firm, corporation, partnership, or association engaged
9 either directly or indirectly in the manufacture or wholesale distribution of motor vehicles.

10 (3) The term "motor vehicle", ~~as used in this part,~~ includes a personal watercraft as defined in 23-2-
11 502, a snowmobile as defined in 23-2-601, and an off-highway vehicle as defined in 23-2-801.

12 (4) The terms "sell", "sold", "buy", and "purchase", as used in this part, include exchange, barter, gift,
13 and offer or contract to sell or buy.

14 (5) The term "wholesale distributor" means a person, firm, association, corporation, or other
15 organization engaged directly or indirectly in the sale or distribution of motor vehicles to agents or to dealers."
16

17 **Section 24.** Section 61-4-501, MCA, is amended to read:

18 **"61-4-501. Definitions.** For purposes of ~~As used in~~ this part, the following definitions apply:

19 (1) "Collateral charge" means all governmental charges, including but not limited to sales tax, property
20 tax, license and registration fees, and fees in lieu of tax.

21 (2) "Consumer" means the purchaser or lessee, other than for purposes of resale or lease, of a
22 passenger motor vehicle used for personal, family, or household purposes that has not been brought into
23 nonconformity as the result of abuse, neglect, or unauthorized modifications or alterations. The term includes
24 any person to whom the passenger motor vehicle is transferred for the same purposes during the duration of an
25 express warranty applicable to the passenger motor vehicle and any other person entitled by the terms of the
26 warranty to enforce the obligations of the warranty.

27 (3) "Incidental damage" means incidental and consequential damage as defined in 30-2-715.

28 (4) "Manufacturer" has the meaning applied to that word in 61-4-201.

1 (5) (a) "Motor vehicle" means a vehicle, including the nonresidential portion of a motor home, propelled
2 by its own power, designed primarily to transport persons or property upon the public highways, and sold or
3 registered in this state.

4 (b) The term does not include:

5 (i) a truck with 15,000 pounds or more gross vehicle weight rating; or

6 (ii) components, systems, fixtures, appliances, furnishings, accessories, and features that are
7 designed, used, and maintained primarily for residential purposes.

8 (6) "Reasonable allowance for use" is an amount directly attributable to use of the motor vehicle by the
9 consumer and any previous consumers prior to the first written notice of the nonconformity to the manufacturer
10 or its agent and during any subsequent period when the motor vehicle is not out of service because of
11 nonconformity. The reasonable allowance for use must be computed by multiplying the total contract price of
12 the motor vehicle by a fraction having as its denominator 100,000 and having as its numerator the number of
13 miles that the motor vehicle traveled prior to the manufacturer's acceptance of its return.

14 (7) "Warranty period" means the period ending 2 years after the date of the original delivery to the
15 consumer of a new motor vehicle or during the first 18,000 miles of operation, whichever is earlier."

16

17 **Section 25.** Section 61-5-104, MCA, is amended to read:

18 **"61-5-104. Exemptions -- definition.** (1) The following persons are exempt from licensure under this
19 chapter:

20 (a) a person who is a member of the armed forces of the United States while operating a motor vehicle
21 owned by or leased to the United States government and being operated on official business;

22 (b) a person who is a member of the armed forces of the United States on active duty in Montana who
23 holds a valid license issued by another state and the spouse of the person who holds a valid license issued by
24 another state;

25 (c) a person on active duty in the armed forces of the United States and in immediate possession of a
26 valid license issued to that person in a foreign country by the armed forces of the United States, for a period of
27 45 days from the date of the person's return to the United States;

28 (d) a person who temporarily drives, operates, or moves a road machine, farm tractor, as defined in

1 61-9-102, or implement of husbandry for use in intrastate commerce on a highway;

2 (e) a person who is a locomotive engineer, assistant engineer, conductor, brake tender, railroad utility
3 person, or other member of the crew of a railroad locomotive or train being operated upon rails, including
4 operation on a railroad crossing a public street, road, or highway. A person employed as described in this
5 subsection is not required to display a driver's license to a law enforcement officer in connection with the
6 operation of a railroad train within Montana.

7 (f) a person who temporarily drives, operates, or moves an off-highway vehicle on a forest
8 development road in this state, as defined in 61-8-110, that has been designated and approved for off-highway
9 vehicle use by the United States forest service if the person:

10 (i) is under 16 years of age but at least 12 years of age; and

11 (ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession
12 a certificate showing the successful completion of an off-highway vehicle safety education course approved by
13 the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license
14 issued under this chapter.

15 (2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid
16 operator's license issued to the nonresident by the nonresident's home state or country may operate a motor
17 vehicle, except a commercial motor vehicle, in this state.

18 (3) (a) A nonresident who is in immediate possession of a valid commercial driver's license issued to
19 the nonresident by the nonresident's home jurisdiction, in accordance with the licensing and testing standards
20 of 49 CFR, part 383, may operate a commercial motor vehicle in this state.

21 (b) ~~For the purpose of~~As used in this chapter, "jurisdiction" means a state, territory, or possession of
22 the United States, the District of Columbia, a province or territory of Canada, or the federal district of Mexico.

23 (4) A nonresident who is at least 18 years of age, whose home state or country does not require the
24 licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days
25 in any calendar year, if the motor vehicle is registered in the home state or country of the nonresident.

26 (5) (a) A driver's license issued under this chapter to a person who enters the United States armed
27 forces, if valid and in effect at the time that the person enters the service, continues in effect so long as the
28 service continues, unless the license is suspended, revoked, or cancelled for a cause as provided by law, and

1 for up to 90 days following the date on which the licensee is honorably separated from the service.

2 (b) A person serving in the United States armed forces may renew the person's driver's license at any
3 point of the person's service, and any renewed license continues in effect as long as the service continues,
4 unless the license is suspended, revoked, or cancelled for a cause as provided by law.

5 (c) A person serving in the United States armed forces may apply for a Montana driver's license upon
6 meeting the requirements in 61-5-103, and this license continues in effect as long as the service continues,
7 unless the license is suspended, revoked, or cancelled for a cause as provided by law, and for up to 90 days
8 following the date on which the licensee is honorably separated from the service."
9

10 **Section 26.** Section 61-5-112, MCA, is amended to read:

11 **"61-5-112. Reciprocal agreements.** The department is authorized to enter into reciprocal
12 agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm
13 machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license ~~because~~
14 ~~the vehicles are not considered commercial motor vehicles as provided in 61-1-101(10)(b)(ii).~~"
15

16 **Section 27.** Section 61-5-119, MCA, is amended to read:

17 **"61-5-119. Definitions.** ~~(1) For the purposes of 61-5-120, "driver rehabilitation specialist" means a~~
18 ~~person who:~~

19 ~~(a) possesses current certification from the association of driver educators for the disabled as a driver~~
20 ~~rehabilitation specialist; or~~

21 ~~(b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a~~
22 ~~disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment,~~
23 ~~motor vehicle modification prescription, and driver education;~~

24 ~~(ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical,~~
25 ~~occupational, or recreational therapy, or in a related profession; or~~

26 ~~(B) has an equivalent of 8 years of experience in driver rehabilitation and education; and~~

27 ~~(iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with~~
28 ~~disabilities.~~

~~(2) For the purposes of~~As used in this chapter, unless the context requires otherwise, "cancellation"

means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to the license. Except as provided in 61-5-201(3), the cancellation of a license is without prejudice and application for a new license may be made at any time after cancellation."

Section 28. Section 61-5-120, MCA, is amended to read:

"61-5-120. Medical assessment and rehabilitation driving permit -- definition. (1) Upon the written request of a licensed physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, on a form prescribed by the department, the department may authorize a driver rehabilitation specialist to issue a temporary medical assessment and rehabilitation driving permit to a person who is not licensed to drive or whose license has expired under the provisions of this chapter for the purpose of driver assessment, rehabilitation, and training.

(2) The temporary permit may be issued only to a person who is 16 years of age or older.

(3) The permit is valid for up to 6 weeks, beginning with the date of the first evaluation of the permitholder by the driver rehabilitation specialist. The driver rehabilitation specialist shall sign and date the permit at the time of the first evaluation.

(4) The permit is valid only when the permitholder is operating a motor vehicle under the immediate supervision of the driver rehabilitation specialist during the permitholder's participation in an actual in-vehicle evaluation process.

(5) The department may extend the duration of a medical assessment and rehabilitation permit for an additional 6-week period if the driver rehabilitation specialist, licensed physician, licensed physician assistant, or advanced practice registered nurse certifies that the permitholder needs additional time to complete the driver assessment, rehabilitation, and training process.

(6) As used in this section, "driver rehabilitation specialist" means a person who:

(a) possesses current certification from the association of driver educators for the disabled as a driver rehabilitation specialist; or

(b) (i) provides comprehensive services in the clinical evaluation of the abilities of a person with a disability to safely operate a motor vehicle, utilizing, among other things, wheelchair and seating assessment.

1 motor vehicle modification prescription, and driver education;
 2 (ii) (A) possesses a bachelor's degree in rehabilitation, education, or health and safety, in physical,
 3 occupational, or recreational therapy, or in a related profession; or
 4 (B) has an equivalent of 8 years of experience in driver rehabilitation and education; and
 5 (iii) has at least 1 year of experience in the area of driver evaluation and training for individuals with
 6 disabilities."

7

8 **Section 29.** Section 61-5-232, MCA, is amended to read:

9 **"61-5-232. Restricted-use driving permit -- conditions -- definitions.** (1) A person who, pursuant
 10 to 61-5-105(2), may not be issued a driver's license due to an ineligible status reported by another state to the
 11 national driver register may petition the district court of the county in which the person resides for a restricted-
 12 use driving permit for use only within the state of Montana if:

13 (a) the person has maintained continuous residence in Montana for at least 5 years and is not
 14 otherwise ineligible for a license under 61-5-105;

15 (b) the person submits a certified driving record from the licensing agency of each state that has
 16 reported the person's status as ineligible to the national driver register that shows that at least 5 years have
 17 elapsed from the effective date of the most recent withdrawal of the person's driver's license or driving
 18 privileges by the other state or states;

19 (c) for the 5-year period immediately preceding application for a restricted-use driving permit, the
 20 person has not been convicted in any jurisdiction of a felony or misdemeanor offense;

21 (d) the person certifies that no traffic citations or alcohol-related or drug-related criminal charges are
 22 currently pending against the person;

23 (e) the person certifies that a good faith effort was made to resolve the person's ineligible status
 24 through the licensing agency of each state or states that reported the person's status as ineligible to the
 25 national driver register, including the payment of any pending fees or fines; and

26 (f) the person provides any other information required by department rule.

27 (2) The department may issue a restricted-use driving permit only to a person who satisfies all of the
 28 requirements of this section as determined by a district court pursuant to subsection (1). A person who is issued

1 a restricted-use driving permit may use it only for an essential driving purpose as defined by the department.

2 (3) ~~For purposes of~~As used in this section, the following definitions apply:

3 (a) "Most recent withdrawal" means the suspension, revocation, or denial of a driver's license or driving
4 privilege underlying a current ineligible status report made by another state's licensing agency to the national
5 driver register.

6 (b) "National driver register" means the registry established under 49 U.S.C. 30302.

7 (c) "Restricted-use driving permit" means a paper document authorizing a person to drive within this
8 state for essential driving purposes only and that is issued by the department to a person whose status on the
9 national driver register is reported as ineligible to operate a motor vehicle other than a commercial motor
10 vehicle."

11

12 **Section 30.** Section 61-6-102, MCA, is amended to read:

13 **"61-6-102. Definitions.** As used in this part, unless the context clearly indicates a different meaning,
14 the following definitions apply:

15 (1) "Commercial automobile insurance coverage" means any coverage provided to an insured,
16 regardless of number of vehicles or entities covered, under a commercial, garage, or truckers coverage form
17 and rated from a commercial manual or rating rule. Vehicle type and ownership are not the primary factors in
18 underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics,
19 including but not limited to experience rating, schedule rating, loss rating, or deductible rating.

20 (2) "Insurer" means an authorized insurer, as defined in 33-1-201, who issues or renews a motor
21 vehicle liability policy.

22 (3) "Judgment" means any judgment that has become final by expiration without appeal of the time
23 within which an appeal might have been perfected or by final affirmation on appeal rendered by a court of
24 competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership,
25 maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services,
26 because of bodily injury to or death of any person or for damages because of injury to or destruction of
27 property, including the loss of use of property, or upon a cause of action on an agreement of settlement for
28 damages.

1 (4) "License" means a driver's license as defined in 61-1-101.

2 (5) "Low-volume insurer" means an insurer that provides motor vehicle liability policies for fewer than
3 500 vehicles in this state.

4 (6) (a) "Motor vehicle liability policy" means a policy of insurance issued or renewed by an insurer to a
5 person who owns or operates a motor vehicle that meets or exceeds the minimum coverage limits under 61-6-
6 103, including a policy certified as provided in 61-6-133 as proof of financial responsibility.

7 (b) A certificate filed for a nonresident as proof of financial responsibility under 61-6-134 must be
8 treated as a motor vehicle liability policy under this part.

9 (7) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of
10 this state pertaining to the operation by the nonresident of a motor vehicle or the use of a motor vehicle owned
11 by the nonresident in this state.

12 (8) "Person" means every natural person, firm, partnership, association, or corporation.

13 (9) "Proof of financial responsibility" means proof of ability to respond in damages for liability on
14 account of accidents occurring subsequent to the effective date of the proof of financial responsibility, arising
15 out of the ownership, maintenance, or use of a motor vehicle.

16 (10) "State" means any state, territory, or possession of the United States, the District of Columbia, or
17 any province of the Dominion of Canada.

18 (11) "Suspension" means the withdrawal, by action of the department, of a motor vehicle's registration,
19 as defined in 61-1-101, for a period of time prescribed by department rule.

20 (12) "System" means the online motor vehicle liability insurance verification system created in 61-6-
21 157."

22
23 **Section 31.** Section 61-6-302, MCA, is amended to read:

24 **"61-6-302. Proof of compliance -- definition.** (1) The registration receipt required by 61-3-322 must
25 contain a statement that unless the vehicle is eligible for an exemption under 61-6-303, it is unlawful to operate
26 the vehicle without a valid motor vehicle liability insurance policy, or a certificate of self-insurance, as required
27 by 61-6-301.

28 (2) (a) Each owner or operator of a motor vehicle shall carry in the motor vehicle as proof of

1 compliance with 61-6-301 either:

2 (i) an insurance card approved by the department but issued by the insurance carrier to the motor
3 vehicle owner; or

4 (ii) an electronic device on which an electronic document issued by the insurance carrier showing proof
5 of compliance with 61-6-301 may be displayed.

6 (b) If the insurance card or electronic document is issued under a commercial automobile insurance
7 policy or a self-insured fleet, the insurance card or electronic document must indicate the status as
8 "commercially insured" or "fleet".

9 (c) A motor vehicle owner or operator shall exhibit the insurance card or display the electronic
10 document on demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol
11 officer, or a field deputy or inspector of the department.

12 (d) A person commits an offense under this subsection if the person fails to carry in the motor vehicle
13 the insurance card or an electronic device on which the electronic document may be displayed or fails to exhibit
14 the insurance card or display the electronic document on demand of a person specified in subsection (2)(c).

15 (e) ~~For the purposes of~~As used in this subsection (2), "insurance card" includes an electronic
16 representation or equivalent of a documentary insurance card that the insurer delivers by electronic means, as
17 defined in 33-15-601, to satisfy the requirements of this subsection (2).

18 (3) In lieu of charging an operator who is not the owner of a vehicle with violating subsection (2), the
19 officer may issue a complaint and notice to appear charging the owner with a violation of 61-6-301 and serve
20 the complaint and notice to appear on the owner of the vehicle:

21 (a) personally; or

22 (b) by certified mail, return receipt requested, at the address for the owner listed on the registration
23 receipt for the vehicle or, following query through available law enforcement systems, at the address
24 maintained for the vehicle's owner by the jurisdiction in which the vehicle is titled and registered, or both.

25 (4) An owner or operator charged with violating subsection (2) may not be convicted if:

26 (a) the arresting or issuing officer or another person authorized to access information from the online
27 motor vehicle liability insurance verification system under 61-6-309 submits to the system, when implemented,
28 a request that provides proof of insurance valid at the time the alleged violation took place; or

1 (b) when the system under 61-6-157 is not available, the person produces in court or the office of the
2 arresting or issuing officer proof of insurance valid at the time the alleged violation took place."

3

4 **Section 32.** Section 61-8-105, MCA, is amended to read:

5 **"61-8-105. Obedience to peace officers, flag persons, crossing guards, and public safety**

6 **workers – definitions.** A person may not willfully fail or refuse to comply with a lawful order or direction of a
7 peace officer, flag person, crossing guard, or public safety worker pertaining to the use of the highways by
8 traffic. ~~For purposes of~~As used in this section:

9 (1) "peace officer" has the meaning provided in 7-32-303; and

10 (2) "public safety worker" means a person who is authorized to provide assistance at the scene of an
11 incident that requires traffic control and who is either a member of a paid or volunteer fire department, an
12 emergency medical service provider, a member of a search and rescue team, or a civilian accident investigator
13 appointed by a law enforcement agency."

14

15 **Section 33.** Section 61-8-303, MCA, is amended to read:

16 **"61-8-303. Speed restrictions -- definitions.** (1) Except as provided in 61-8-309, 61-8-310, and 61-
17 8-312, the speed limit for vehicles traveling:

18 (a) on an interstate highway outside an urbanized area of 50,000 population or more is 80 miles an
19 hour at all times and the speed limit for vehicles traveling on interstate highways within an urbanized area of
20 50,000 population or more is 65 miles an hour at all times;

21 (b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an
22 hour during the nighttime;

23 (c) in an urban district is 25 miles an hour.

24 (2) A vehicle subject to the speed limits imposed in subsection (1) may exceed the speed limits
25 imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the
26 right-hand lane under the following circumstances:

27 (a) while traveling on a two-lane road; and

28 (b) in a designated passing zone.

1 (3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a vehicle in
2 a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and prudent under
3 the conditions existing at the point of operation, taking into account the amount and character of traffic, visibility,
4 weather, and roadway conditions.

5 (4) Except when a special hazard exists that requires lower speed for compliance with subsection (3),
6 the limits specified in this section are the maximum lawful speeds allowed.

7 (5) ~~"Daytime"~~As used in this section, "daytime" means from one-half hour before sunrise to one-half
8 hour after sunset. "Nighttime" means at any other hour.

9 (6) The speed limits set forth in this section may be altered by the transportation commission or a local
10 authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

11 (7) A person who violates this section is subject to the penalties provided in 61-8-725."
12

13 **Section 34.** Section 61-8-376, MCA, is amended to read:

14 **"61-8-376. Authorized operation of electric personal assistive mobility devices.** Electric personal
15 assistive mobility devices, ~~as defined in 61-1-101,~~ are permitted to operate on sidewalks, unless they are
16 prohibited by official traffic control devices, on bike paths, and on roads and streets that have a speed limit of
17 35 miles an hour or less."
18

19 **Section 35.** Section 61-8-803, MCA, is amended to read:

20 **"61-8-803. Suspension of commercial driver's license -- serious traffic violations -- definition.**

21 (1) If the department receives notice from a court or another licensing jurisdiction that a person holding or
22 required to hold a commercial driver's license has been convicted of more than one serious traffic violation in
23 separate incidents within a 3-year period, the department shall suspend the person's commercial driver's
24 license:

- 25 (a) for 60 days upon receipt of notice of the second conviction; or
- 26 (b) for 120 days upon receipt of notice of the third or subsequent conviction.

27 (2) ~~For purposes of~~As used in this section, "serious traffic violation" means conviction, when operating
28 a commercial motor vehicle, of:

- 1 (a) speeding 15 or more miles an hour above a posted speed limit;
- 2 (b) reckless driving, reckless endangerment of a highway worker, or reckless endangerment of
- 3 emergency personnel;
- 4 (c) improper or erratic traffic lane changes;
- 5 (d) following too closely;
- 6 (e) a violation of a state law or local ordinance relating to the operation of a motor vehicle, excluding a
- 7 parking, weight, or equipment violation, that arises in connection with a fatal accident;
- 8 (f) operating a commercial motor vehicle without a commercial driver's license;
- 9 (g) operating a commercial motor vehicle without a commercial driver's license in one's possession or
- 10 refusing to display a commercial driver's license upon request;
- 11 (h) operating a commercial motor vehicle without the proper class of commercial driver's license or
- 12 endorsements, or both, for the specific vehicle type or types being operated or for the passengers or type or
- 13 types of cargo being transported; or
- 14 (i) using a mobile device to send text messages while operating a commercial motor vehicle in
- 15 violation of a state or local law or ordinance on motor vehicle traffic control.

16 (3) A person is considered to have committed a second or subsequent serious traffic violation if less

17 than 3 years have passed between the date of an offense that resulted in a prior conviction and the date of the

18 offense that resulted in the most recent conviction."

19

20 **Section 36.** Section 61-8-1001, MCA, is amended to read:

21 **"61-8-1001. Definitions.** As used in this part, unless the context requires otherwise and unless a

22 different meaning plainly is required, the following definitions apply:

23 (1) "Aggravated driving under the influence" means a person is in violation of 61-8-1002(1)(a), (1)(b),

24 (1)(c), or (1)(d) and:

25 (a) the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other

26 bodily substance, is 0.16 or more;

27 (b) the person is under the order of a court or the department to equip any motor vehicle the person

28 operates with an approved ignition interlock device;

1 (c) the person's driver's license or privilege to drive is suspended, cancelled, or revoked as a result of
2 a prior violation of driving under the influence, including a violation of 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an
3 offense that meets the definition of aggravated driving under the influence, or a similar offense under previous
4 laws of this state or the laws of another state; or

5 (d) the person refuses to give a breath sample as required in 61-8-1016 and the person's driver's
6 license or privilege to drive was suspended, cancelled, or revoked under the provisions of an implied consent
7 statute.

8 (2) "Alcoholic beverage" means a compound produced for human consumption as a drink that
9 contains 0.5% or more of alcohol by volume.

10 (3) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of
11 alcohol per 210 liters of breath, including as used in 16-6-305, 23-2-535, 45-5-207, 67-1-211, and this title.

12 (4) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more
13 passengers, including the driver.

14 (5) "Camper" has the meaning provided in 61-1-101.

15 (6) "Commercial motor vehicle" has the meaning provided in 61-1-101.

16 (7) "Drug" means any substance that when taken into the human body can impair a person's ability to
17 operate a vehicle safely. The term includes the meanings provided in 50-32-101(6), (7), and (14).

18 (8) "DUI court" means any court that has established a special docket for handling cases involving
19 persons convicted under 61-8-1007 or 61-8-1008 and that implements a program of incentives and sanctions
20 intended to assist a participant to complete treatment ordered pursuant to 61-8-1009 and to end the
21 participant's criminal behavior associated with the use of alcohol or drugs.

22 (9) "Highway" has the meaning provided in 61-1-101, including the shoulders of the highway.

23 (10) "Motor home" has the meaning provided in 61-1-101.

24 (11) "Motor vehicle" has the meaning provided in 61-1-101.

25 (12) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains
26 any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially
27 removed.

28 (13) "Passenger area" means the area designed to seat the driver and passengers while a motor

1 vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a
2 passenger is seated in the vehicle, including an unlocked glove compartment.

3 (14) "Under the influence" ~~means that as a result of taking into the body alcohol, drugs, or any~~
4 ~~combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished~~has the
5 meaning provided in 61-1-101.

6 (15) "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle."
7

8 **Section 37.** Section 61-9-105, MCA, is amended to read:

9 **"61-9-105. Obedience to peace officers, highway patrol officers, and public safety workers =**

10 **definition. (1)** A person may not willfully fail or refuse to comply with a lawful order or direction of a peace
11 officer, highway patrol officer, or public safety worker pertaining to the use of the highways by traffic.

12 ~~(2) For purposes of As used in~~ this section, "public safety worker" means a person who is authorized to
13 provide assistance at the scene of an incident that requires traffic control and who is either a member of a paid
14 or volunteer fire department, an emergency medical service provider, a member of a search and rescue team,
15 or a civilian accident investigator appointed by a law enforcement agency."
16

17 **Section 38.** Section 61-9-204, MCA, is amended to read:

18 **"61-9-204. Taillamps – "blue dot taillight" defined.** (1) A motor vehicle, trailer, semitrailer, and pole
19 trailer and any other vehicle that is being drawn at the end of a combination of vehicles must be equipped with
20 at least one properly functioning taillamp mounted on the rear that emits a red light plainly visible from a
21 distance of 500 feet to the rear, except that in the case of a combination of vehicles, only the taillamp on the
22 rearmost vehicle need actually be seen from the distance specified. The vehicles mentioned in this subsection,
23 other than a motorcycle, quadricycle, motor-driven cycle, or truck tractor, registered in this state and
24 manufactured or assembled after January 1, 1956, must be equipped with at least two properly functioning
25 taillamps, with at least one mounted on each side of the rear of the vehicle, that emit a red light plainly visible
26 from a distance of 1,000 feet to the rear of the vehicle.

27 (2) A taillamp upon a vehicle must be located at a height of not more than 72 inches or less than 15
28 inches.

1 (3) Either a taillamp or a separate lamp must illuminate with a white light the rear registration plate and
2 render it clearly legible from a distance of 50 feet to the rear. A taillamp or taillamps, together with a separate
3 lamp for illuminating the rear registration plate, must be lighted whenever the headlamps are lighted.

4 (4) Taillamps are not required on a motorcycle that is registered under 61-3-411 as a collector's item,
5 but the motorcycle may not be operated on a highway or street from one-half hour after sunset to one-half hour
6 before sunrise or when persons and vehicles are not clearly discernible at a distance of 500 feet unless it is
7 equipped with the required taillamps.

8 (5) A person may not operate a motor vehicle on a highway with taillamps that are covered by a lens or
9 a plastic cover or with a tinted or colored material, substance, system, or component placed on or in front of
10 rear lamps, taillamps, license plate lamps, or rear lamp combinations that obscures the taillamps or diminishes
11 the distance of visibility required by this section.

12 (6) ~~(a)~~ A custom vehicle or street rod may use a blue dot taillight, ~~as defined in subsection (6)(b)~~, as a
13 stop lamp, a rear signal lamp, or a rear reflector. As used in this subsection, "blue dot taillight"

14 ~~(b)~~ "Blue dot taillight" means a red lamp installed in the rear of a motor vehicle containing a blue or
15 purple insert that is not more than 1 inch in diameter.
16

17 **Section 39.** Section 61-9-406, MCA, is amended to read:

18 **"61-9-406. Restrictions as to tire equipment -- particular tires, chains, or traction devices --**

19 **definitions.** (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch
20 thick above the edge of the flange of the entire periphery.

21 (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a
22 metal tire in contact with the roadway.

23 (3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat,
24 spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction
25 surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will
26 not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the
27 traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may
28 not protrude more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the

1 manufacturer on the sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when
2 required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. Except as
3 provided in subsection (4), the use of pneumatic tires embedded as provided in this section is permitted only
4 between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of
5 tire failure. School buses equipped with such embedded pneumatic tires may operate from August 15 through
6 the following June 15.

7 (4) Pneumatic tires that feature an embedded block, stud, flange, cleat, spike, or other protuberance
8 that is retractable may be used at any time of the year. However, the protuberance may not be engaged or
9 extended other than between October 1 and May 31 of each year on roads that do not contain ice or snow.

10 (5) The department of transportation and local authorities, as defined in 61-8-102, in their respective
11 jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of farm
12 tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse
13 corrugations upon the periphery of the movable tracks, the operation of which upon the highway would
14 otherwise be prohibited under this section.

15 (6) The department of transportation may determine at any time that dangerous or unsafe conditions
16 on a highway require particular tires, tire chains, or traction devices for vehicles in addition to or beyond the
17 ordinary pneumatic rubber tires.

18 (7) The department of transportation shall place and maintain signs and other traffic control devices
19 on a highway designated under subsection (6) that indicate the tire, tire chain, or traction device requirement
20 determined for vehicles. The signs or traffic control devices may not prohibit the use of pneumatic tires
21 embedded as provided in subsection (3) between October 1 and May 31 of each year, but when the
22 department of transportation determines that chains are required and that no other traction devices will suffice,
23 the requirement is applicable to tires on driver wheels of one axle, as defined in 61-10-104, of a vehicle,
24 including embedded tires. The signs or traffic control devices may differentiate in requirements for four-wheel-
25 drive vehicles in gear.

26 (8) A violation of subsection (6) or subsection (7) is subject to the penalties provided in 61-9-520.

27 ~~(8)(9)~~ As used in this section:

28 (a) "metal tire" means a tire the surface of which in contact with the highway is wholly or partly metal

1 or other hard, nonresilient material; and

2 (b) "pneumatic tire" means a tire in which compressed air or nitrogen is designed to support the
3 load."

4

5 **Section 40.** Section 61-9-407, MCA, is amended to read:

6 **"61-9-407. Fenders, splash aprons, or flaps required on certain vehicles — dimension and**

7 **location.** (1) A person may not move, or permit to be moved, a vehicle, except a motorcycle, quadricycle,
8 motor-driven cycle, or farm tractor, as defined in this title, upon the public highways without having first
9 equipped the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders,
10 splash aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and
11 deflects dirt, mud, water, rocks, and other substances that may be picked up by the rear wheels of the vehicle
12 and thrown into the air, as follows:

13 (a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above and
14 forward of the center of the tire or tires over and to the rear of the tires.

15 (b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend
16 downward in full width from a point not lower than halfway between the center of the tire or tires and the top of
17 the tire or tires and to the rear of the tires.

18 (c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash
19 aprons, or flaps must extend downward to a point that is not more than 10 inches above the surface of the
20 highway when the vehicle is empty.

21 (d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons, or
22 flaps must extend downward to a point that is not more than 20 inches above the surface of the highway when
23 the vehicle is empty.

24 (2) Fenders, splash aprons, or flaps, as used in subsection (1), must be constructed as follows:

25 (a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections
26 of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of
27 the tire or of the combined width of the multiple tires; and

28 (b) the fender, splash apron, or flap is capable at all times of arresting and deflecting dirt, mud, water,

1 or other substance that may be picked up and carried by the wheel or wheels.

2 (3) This section does not apply to a street rod ~~as defined in 61-1-101~~, motor vehicles not originally
3 equipped with fenders, splash aprons, or flaps, or motor vehicles for which fenders, splash aprons, or flaps
4 were not required by federal law or regulation at the time of manufacture.

5 (4) A person convicted of violating this section is subject to the penalties provided in 61-9-515."
6

7 **Section 41.** Section 61-9-409, MCA, is amended to read:

8 **"61-9-409. Seatbelts required in vehicles manufactured after 1964.** (1) An automobile that was
9 manufactured or assembled after January 1, 1965, and on or before January 1, 1968, must be equipped with
10 safety belts installed for use in the left front and right front seats.

11 (2) A motor vehicle manufactured after January 1, 1968, must be equipped at each designated
12 seating position with a safety belt system required for that seating position by the standards of the United
13 States department of transportation at the time that the vehicle was manufactured.

14 (3) The safety belts required by this section must remain installed and in good working condition.

15 (4) A person convicted of violating this section is subject to the penalties provided in 61-9-516."
16

17 **Section 42.** Section 61-9-414, MCA, is amended to read:

18 **"61-9-414. Logging trucks -- definitions.** (1) A truck or truck trailer combination, except pole trailers,
19 actively engaged in transporting logs must be equipped with chains, cables, steel straps, or fiber webbing with
20 working load limits that meet or exceed the manufacturer's marked value. The number of tie-down assemblies
21 must be determined by the working load limits and the total weight of the load. The working load limits must
22 equal or exceed 1 1/2 times the total weight of the load.

23 (2) A pole trailer actively engaged in transporting logs upon the highways of the state must be
24 equipped as follows:

25 (a) At least three wrappers are required as standard equipment. The wrappers must:

26 (i) have a minimum working load limit of at least 3,000 pounds; and

27 (ii) be long enough to encompass any load when secured by a binder.

28 (b) (i) Wrappers used to secure loads of logs together must be fastened by means of a binder.

1 (ii) The complete wrapper and binder assembly must have a working load limit of at least 3,000
2 pounds.

3 (iii) The handle, or leverage portion of the binder, when in use in tightening and holding the wrapper,
4 must be securely fastened to the wrapper or to the binder so that it cannot be accidentally loosened.

5 (c) At least two wrappers must be in use on all loads. The wrappers must be placed as close as
6 reasonably possible to the front and rear bunks.

7 (d) If short logs are loaded on top of longer logs, sufficient wrappers must be used to secure both ends
8 of the short logs to the main body of the load. A log may not extend laterally beyond the stakes that form the
9 outer boundary of the load at the top of the stakes. Logs or poles loaded above the tops of the stakes must be
10 loaded in a pyramidal fashion.

11 (3) ~~For the purposes of~~ As used in this section:

12 (a) "binder" means a device attached to a wrapper that provides tension on and secures a wrapper;
13 and

14 (b) "wrapper" means an indirect tie-down device, the tension of which is intended to secure a stack of
15 logs."

16

17 **Section 43.** Section 61-9-416, MCA, is amended to read:

18 **"61-9-416. Commercial tow truck definition -- requirements.** (1) "Commercial tow truck" means a
19 motor vehicle operating for compensation that is equipped with specialized equipment designed and intended
20 for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on
21 the public roadways. If a tow truck owner or operator's business profits or benefits in any way from towing a
22 vehicle, the tow truck must be considered a commercial tow truck for the purposes of Title 61, chapter 8, and
23 this chapter.

24 (2) A commercial tow truck must be equipped with:

25 (a) not less than two red flares, two red lanterns, or two warning lights or reflectors. The reflectors
26 must be of a type approved by the department.

27 (b) at least two highway warning signs as provided in 61-9-431.

28 (c) a dry chemical fire extinguisher of at least 5 pound capacity or an equivalent alternative type of fire

1 extinguisher, approved by the department;

2 (d) a lamp emitting a flashing red or amber light meeting the requirements of 61-9-402(7), or both a
3 red and amber light, mounted on top of the cab of the tow truck or on the top of the crane or hoist if the light can
4 be seen from the front of the tow truck. The light from the lamp must be visible for a distance of 1,000 feet
5 under normal atmospheric conditions and must be mounted so that it can be securely fastened with the lens of
6 the lamp facing the rear of the tow truck upon which it is mounted. When standing at the location from which the
7 disabled vehicle is to be towed, the operator of the tow truck may unfasten the red light and place it in a position
8 considered advisable to warn approaching drivers. When the disabled vehicle is ready for towing, the red light
9 must be turned to the rear of the tow truck upon which it is mounted and securely locked in this position.
10 Additional red or amber lights of an approved type may be displayed at either side or both sides of the tow truck
11 during the period of preparation at the location from which the disabled vehicle is to be towed.

12 (e) one or more brooms, and the operator of the tow truck engaged to remove a disabled vehicle from
13 the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle
14 that is to be towed;

15 (f) a shovel, and whenever practical, the tow truck operator engaged to remove a disabled vehicle
16 shall spread dirt upon that portion of the roadway where oil or grease has been deposited by the disabled
17 vehicle; and

18 (g) a portable electrical extension cord or other device for use in displaying stop, turn, and taillamps
19 on the rear of the disabled vehicle. The length of the extension cord may not be less than the length of the
20 combined vehicles. When a disabled vehicle is towed, the tow truck operator shall provide for the rear light that
21 is capable of displaying a stop signal, turn signal, and taillamps by means of the extension cord or other device
22 referred to in this subsection.

23 (3) The operator of a commercial tow truck used for the purpose of rendering assistance to other
24 vehicles shall, when the rendering of assistance necessitates the obstruction of a portion of the roadway, place
25 a highway warning sign as required in 61-9-431.

26 (4) The owner or operator of a commercial tow truck who complies with the requirements of 61-8-906
27 and 61-8-907 and this section may stop or park the tow truck upon a highway for the purpose of rendering
28 assistance to a disabled vehicle, notwithstanding other provisions of this code.

1 (5) A commercial tow truck company that is in compliance with 61-9-431 and that is operating an
 2 emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in
 3 response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-
 4 threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs,
 5 damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of 61-9-402(5).

6 (6) A person convicted of violating this section is subject to the penalties provided in 61-9-517."
 7

8 **Section 44.** Section 61-9-417, MCA, is amended to read:

9 "61-9-417. Headgear required for minor motorcycle riders. (1) (a) Except as provided in
 10 subsection (1)(b), an operator and passenger under 18 years of age of a motorcycle or quadricycle operated on
 11 the streets or highways of this state shall wear protective headgear on the head. The headgear must meet
 12 standards established by the department of justice.

13 (b) This section does not apply to an operator and passenger of an autocycle ~~as defined in 61-1-101~~
 14 that is completely enclosed with a windshield, nonremovable doors, and a roof.

15 (2) A person may not operate a motorcycle upon a highway in the state unless all passengers under
 16 18 years of age are in compliance with subsection (1).

17 (3) A person convicted of violating this section is subject to the penalty provided in 61-9-518."
 18

19 **Section 45.** Section 61-9-430, MCA, is amended to read:

20 **"61-9-430. Bumpers.** (1) A motor vehicle of less than 10,000 pounds gross vehicle weight or rating
 21 registered in Montana, except a motorcycle, a quadricycle, a motor-driven cycle, or a farm tractor, must be
 22 equipped with a front bumper and, unless the vehicle is equipped with work-performing features that make
 23 installation impractical or unnecessary, with a rear bumper.

24 (2) This section does not apply to a street rod, ~~as defined in 61-1-101~~, vehicles not originally equipped
 25 with front or rear bumpers, or vehicles for which bumpers were not required by federal law or regulation at the
 26 time of manufacture."
 27

28 **Section 46.** Section 61-9-432, MCA, is amended to read:

1 **"61-9-432. Low-speed and medium-speed electric vehicles -- required equipment.** (1) Low-speed
2 electric vehicles and medium-speed electric vehicles, ~~as defined in 61-1-101~~, must be equipped with:

- 3 (a) headlamps, front and rear turn signal lamps, taillamps, and stop lamps;
- 4 (b) three red reflectors, two of which must be placed on each side as far to the rear of the vehicle as
- 5 practicable, and one of which must be placed on the rear of the vehicle;
- 6 (c) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted
- 7 on the passenger's side of the vehicle or an interior mirror;
- 8 (d) a parking brake;
- 9 (e) a windshield that conforms to the federal motor vehicle safety standard provided in 49 CFR
- 10 571.205; and
- 11 (f) a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 CFR
- 12 571.209.

13 (2) A medium-speed electric vehicle must be equipped with a roll bar, roll cage, or crush-proof body
14 design."

15
16 **Section 47.** Section 61-9-437, MCA, is amended to read:

17 **"61-9-437. Airbag fraud prohibition.** (1) A person may not knowingly:

- 18 (a) import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a counterfeit
- 19 supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with
- 20 Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make,
- 21 model, and year of the motor vehicle;
- 22 (b) sell, offer for sale, install, or reinstall in a motor vehicle a device that causes a motor vehicle's
- 23 diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag;
- 24 or
- 25 (c) sell, lease, trade, or transfer a motor vehicle if the person knows that a counterfeit supplemental
- 26 restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor
- 27 Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make, model, and year of
- 28 the motor vehicle has been installed as part of the motor vehicle's restraint system.

1 (2) A person who violates this section is subject to the penalties provided in 61-9-522.

2 (3) As used in this section:

3 (a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a
4 supplemental restraint system.

5 (b) "Counterfeit supplemental restraint system component" means a replacement supplemental
6 restraint system component, including but not limited to an airbag, that displays a mark identical to, or
7 substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the
8 manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively.

9 (c) "Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:

10 (i) the airbag was previously deployed or damaged;

11 (ii) the airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the
12 installation procedure is completed and the vehicle is returned to the customer who requested the work to be
13 performed or when ownership is intended to be transferred;

14 (iii) the airbag includes a part or object, including a supplemental restraint system component, that is
15 installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional
16 airbag has been installed; or

17 (iv) the airbag is subject to the prohibitions of 49 U.S.C. 30120(j), as of February 12, 2023.

18 (d) "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash
19 protection system designed for use in conjunction with a seat belt assembly as defined in 49 CFR 571.209. A
20 supplemental restraint system includes one or more airbags and all components required to ensure that an
21 airbag works as designed by the vehicle manufacturer including both of the following:

22 (i) the airbag operates as designed in the event of a crash; and

23 (ii) the airbag is designed to meet federal motor vehicle safety standards for the specific make, model,
24 and year of the vehicle in which it is or will be installed.

25 (4) A person convicted of violating this section is subject to the penalties provided in 61-9-522."

26

27 **Section 48.** Section 61-9-518, MCA, is amended to read:

28 **"61-9-518. Violation of motorcycle or quadricycle requirements -- penalty.** ~~(4)~~A person convicted

1 of the violation of 61-9-417 shall be fined \$5-

2 ~~(2) A person convicted of the violation of 61-9-418 shall be punished by a fine of not less than \$10 or~~
3 ~~more than \$100 for the first conviction. For a second conviction within 1 year, the person shall be punished by a~~
4 ~~fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year after the first~~
5 ~~conviction, the person shall be punished by a fine of not less than \$50 or more than \$500."~~

6

7 **Section 49.** Section 61-10-102, MCA, is amended to read:

8 **"61-10-102. Width -- definitions.** (1) Except as provided in subsections (2) and (3), a vehicle,
9 including a bus, unloaded or with load, may not have a total outside width in excess of 102 inches. This width
10 for buses is allowed only on paved highways 20 feet or more in width.

11 (2) (a) Subsection (1) does not apply to an implement of husbandry or a vehicle used for hauling hay
12 that is moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if
13 the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle
14 used for hauling hay. If the implement or vehicle is more than 12 1/2 feet wide, it must be preceded by
15 flag vehicle escorts to warn other highway users. This restriction does not apply to dual-wheel tractors under 15
16 feet overall width that are used in farming operations or to movement on a county road within 100 miles of the
17 farming operation of the owner of an implement of husbandry or a vehicle used for hauling hay. Lights that meet
18 the requirements of 61-9-219(4) must be displayed on the rear of the implement of husbandry or vehicle used
19 for hauling hay. However, if the highway passes through a hazardous area, the implements or vehicles must be
20 preceded and followed by flag vehicle escorts unless the movement of the implements or vehicles is restricted
21 to a county road within 100 miles of the farming operation of the owner.

22 (b) An implement of husbandry or a vehicle used for hauling hay that exceeds 16 1/2 feet in
23 width and that is traveling on an interstate or a four-lane highway must be followed by a flag vehicle escort.

24 (c) A commercial vehicle that is hauling hay but does not qualify under subsection (2)(a) may be
25 granted a permit subject to the provisions of 61-10-121 through 61-10-127.

26 (d) Subsection (1) does not apply to a commercial hay grinder moved or propelled upon the highway
27 during daylight hours for a distance of not more than 100 miles if the movement is incidental to operations of
28 the commercial hay grinder. A commercial hay grinder exceeding 102 inches in width must have a permit

1 issued under 61-10-124. If the commercial hay grinder is more than 12 1/2 feet wide, it must be
 2 preceded by flag vehicle escorts to warn other highway users. Lights that meet the requirements of 61-9-219(4)
 3 must be displayed on the rear of the commercial hay grinder. Movement of a commercial hay grinder that does
 4 not exceed 138 inches in width may occur on any day of the week, including holidays, and is restricted to
 5 movement during daylight hours. Movement of a commercial hay grinder may not exceed the posted speed
 6 limit, including the speed limit on an interstate highway.

7 (3) ~~(a)~~The width of a recreational vehicle, ~~as defined in 61-1-101~~, and a camper, ~~as defined in 61-1-~~
 8 ~~101~~, that is being operated for noncommercial purposes may exceed 102 inches if:

9 ~~(i)(a)~~ the excess width is attributable to recreational vehicle or camper appurtenances that do not
 10 extend beyond the exterior rearview mirrors of the recreational vehicle, the camper, a vehicle being towed by
 11 the recreational vehicle, or the motor vehicle providing motive power; and

12 ~~(ii)(b)~~ the rearview mirrors extend only the distance necessary to provide the appropriate field of view
 13 for the vehicle before the recreational vehicle or camper appurtenances are attached.

14 ~~(b) For the purposes of this section, "recreational vehicle or camper appurtenances" means an awning~~
 15 ~~and its support hardware or any appendage that is intended to be an integral part of the recreational vehicle or~~
 16 ~~camper and that is installed by the manufacturer or dealer.~~

17 (4) A safety device that the department determines by rule adopted pursuant to 61-9-504 to be
 18 necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided
 19 in subsection (1).

20 (5) Except as provided in subsections (2)(a) and (2)(b), a rear flag vehicle escort is not required for a
 21 vehicle that exceeds 12 1/2 feet in width, that is hauling or towing an implement of husbandry,
 22 construction equipment, or forestry equipment, and that is operating under this section or as authorized by
 23 special permit issued under 61-10-121 through 61-10-125 if the vehicle is operating at highway speed or with
 24 the flow of traffic.

25 (6) ~~For the purposes of~~As used in this section, the following definitions apply:

26 (a) "Construction equipment" means any vehicle, machine, or attachment designed or adapted for and
 27 used in construction, heavy construction, highway construction, and remodeling work.

28 (b) "Flag vehicle" means a vehicle equipped as required by law or by department of transportation rule

1 to warn or guide vehicular traffic. When not being operated as a flag vehicle, signs must be removed.

2 (c) "Recreational vehicle or camper appurtenances" means an awning and its support hardware or any
3 appendage that is intended to be an integral part of the recreational vehicle or camper and that is installed by
4 the manufacturer or dealer."

5

6 **Section 50.** Section 61-10-111, MCA, is amended to read:

7 **"61-10-111. Governor's authority to exempt vehicles from size and weight limits -- "emergency**
8 **circumstances" defined.** (1) The governor may, through executive order, exempt vehicles from the size and
9 weight limits imposed under this part:

10 (a) upon a request of the director of the department of transportation and any other agency involved in
11 the need to move oversize or overweight vehicles on the highway during emergency circumstances;

12 (b) for a specified, limited period of time; and

13 (c) during emergency circumstances and to meet unusual conditions to ensure the general welfare of
14 the public.

15 (2) The agency director who requests the executive order may specify the areas in which the
16 exemption is in effect, the duration of the exemption, the types of vehicles to be exempted, and any other
17 appropriate conditions of the order.

18 (3) ~~For the purposes of~~As used in this section, "emergency circumstances" means conditions brought
19 about by a weather event or a natural or other occurrence for which the movement of vehicles that may exceed
20 size and weight limits is necessary for responding to the event or occurrence or for moving supplies, agricultural
21 or other products, or equipment in a manner that is necessary because of the event or occurrence."
22

22

23 **Section 51.** Section 61-10-124, MCA, is amended to read:

24 **"61-10-124. (Temporary) Special permits -- fees -- definition.** (1) Except as provided in
25 subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight fees, a fee of \$10 for
26 each trip permit and a fee of \$75 for each term permit issued for size in excess of that specified in 61-10-101
27 through 61-10-104 must be paid for all movements under special permits on the public highways under the
28 jurisdiction of the department of transportation.

1 (2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(h), (3), and (4), term or blanket
2 permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15
3 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an
4 overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by
5 the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited
6 to trip permits. Except as provided in subsection (2)(g), a Rocky Mountain double may not exceed 81 feet in
7 combined trailer length. A Rocky Mountain double is not subject to a combination length limit. Special permits
8 for vehicle combinations of more than two trailers or more than two units designed for or used to carry a load
9 are not permitted except as provided in subsections (3) and (4). Special permits for vehicle combinations may
10 specify and special permits under subsections (3) and (4) must specify highway routing and otherwise limit or
11 prescribe conditions of operation of the vehicle or combination, including but not limited to required equipment,
12 speed, stability, operational procedures, and insurance.

13 (b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery
14 for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of
15 each year, with no grace period.

16 (c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the
17 fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000
18 pounds.

19 (d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but
20 does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-
21 trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a
22 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at
23 a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the
24 terminal and the interchange. The fee for this permit is \$125.

25 (e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer
26 exceeds 53 feet in length but does not exceed 57 feet in length.

27 (f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this
28 permit is \$125.

1 (ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be
2 detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the
3 machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit
4 may be issued.

5 (iii) An applicant for a nondivisible load permit for use as provided in subsection (5)(b) is responsible
6 for providing information regarding the number of work hours required to dismantle the load.

7 (iv) For use as provided in subsection (5)(b) and for the purposes of this section, emergency response
8 vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible
9 loads.

10 (g) A Rocky Mountain double carrying baled hay may not exceed 88 feet of combined trailer length.

11 (h) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured
12 home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

13 (3) The department may issue special permits to the operating company for a truck-trailer-trailer or
14 truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

15 (a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on other
16 highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary services
17 or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize
18 travel between the terminal and the interchange.

19 (b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed
20 an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

21 (c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length
22 of 110 feet, inclusive of the front and rear bumpers and overhang;

23 (d) an individual cargo unit of the combination may not exceed 28'1/2 feet in length and 102
24 inches in width;

25 (e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared
26 registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

27 (f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit or
28 \$20 for each trip permit;

1 (g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or
2 seasonal periods; and

3 (h) the department may enforce any other restrictions determined by the department to be necessary.

4 The permit is not transferable, and the fee for the permit is \$200.

5 (4) The department of transportation may issue special permits under subsection (3) for vehicle
6 combinations that consist of a truck-trailer-trailer if:

7 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95
8 feet; and

9 (b) the person, firm, or corporation applying for the permit:

10 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite,
11 dolomite, limestone, and custom combine equipment;

12 (ii) operated the truck-trailer-trailer combination before July 1, 1987;

13 (iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that
14 those vehicles used before July 1, 1987; and

15 (iv) provides the department of transportation with an affidavit confirming the routes used before July 1,
16 1987, for truck-trailer-trailer operations.

17 (5) ~~For the purposes of this section, a~~As used in this section, "nondivisible load" ~~is~~means:

18 (a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled
19 and that is reduced to a minimum practical size and weight;

20 (b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if
21 separated into smaller loads or vehicles, would:

22 (i) compromise the intended use of the vehicle;

23 (ii) destroy the value of the load or vehicle; or

24 (iii) require more than 8 work hours to dismantle using appropriate equipment. (Void on occurrence of
25 contingency--sec. 2, Ch. 285, L. 2003.)

26 **61-10-124. (Effective on occurrence of contingency) Special permits -- fees -- definition. (1)**

27 Except as provided in subsections (2)(d) and (3), in addition to the regular registration and gross vehicle weight

28 fees, a fee of \$10 for each trip permit and a fee of \$75 for each term permit issued for size in excess of that

1 specified in 61-10-101 through 61-10-104 must be paid for all movements under special permits on the public
2 highways under the jurisdiction of the department of transportation.

3 (2) (a) Except as provided in subsections (2)(b), (2)(d), (2)(f), (2)(g), (3), and (4), term or blanket
4 permits may not be issued for an overwidth vehicle, combination of vehicles, load, or other thing in excess of 15
5 feet; an overlength vehicle, combination of vehicles, load, object, or other thing in excess of 95 feet; or an
6 overheight vehicle, combination of vehicles, load, or other thing in excess of 14 feet or of a limit determined by
7 the department. A vehicle, combination of vehicles, load, or other thing in excess of these dimensions is limited
8 to trip permits. A Rocky Mountain double may not exceed 81 feet in combined trailer length. A Rocky Mountain
9 double is not subject to a combination length limit. Special permits for vehicle combinations of more than two
10 trailers or more than two units designed for or used to carry a load are not permitted except as provided in
11 subsections (3) and (4). Special permits for vehicle combinations may specify and special permits under
12 subsections (3) and (4) must specify highway routing and otherwise limit or prescribe conditions of operation of
13 the vehicle or combination, including but not limited to required equipment, speed, stability, operational
14 procedures, and insurance.

15 (b) A term permit may be issued to a dealer in implements of husbandry and self-propelled machinery
16 for an overwidth or overlength vehicle referred to in subsection (2)(a). This permit expires on December 31 of
17 each year, with no grace period.

18 (c) With payment of the appropriate gross weight fees required by 61-10-201 and with payment of the
19 fee prescribed in subsection (1), allowable gross weight of a five-axle combination logging vehicle is 80,000
20 pounds.

21 (d) A term permit may be issued for any combination of vehicles that exceeds 95 feet in length but
22 does not exceed 100 feet in combination length, except a truck-trailer-trailer or a truck tractor-semitrailer-trailer-
23 trailer combination, for travel only on interstate highways, as defined in 60-1-103, or on other highways within a
24 2-mile radius of an interstate highway interchange in order to obtain necessary services or to load or unload at
25 a terminal. When a terminal is beyond a 2-mile radius, the department may authorize travel between the
26 terminal and the interchange. The fee for this permit is \$125.

27 (e) A term permit may be issued for a truck tractor-semitrailer combination when the semitrailer
28 exceeds 53 feet in length but does not exceed 57 feet in length.

1 (f) (i) An annual permit may be issued for nondivisible loads up to 120 feet in length. The fee for this
2 permit is \$125.

3 (ii) Portions of a nondivisible load hauled on a public road off of the interstate highway may be
4 detached and reloaded on the same hauling unit if the separate pieces are necessary to the operation of the
5 machine or equipment that is being hauled and if the arrangement does not exceed limits for which a permit
6 may be issued.

7 (iii) An applicant for a nondivisible load permit for use as provided in subsection (5)(b) is responsible
8 for providing information regarding the number of work hours required to dismantle the load.

9 (iv) For use as provided in subsection (5)(b) and for the purposes of this section, emergency response
10 vehicles and casks designed and used for the transport of spent nuclear materials are considered nondivisible
11 loads.

12 (g) A term permit may be issued for an overlength vehicle moving a mobile home or a manufactured
13 home, as defined in 15-24-201, when the vehicle does not exceed 110 feet in length or 16 feet in width.

14 (3) The department may issue special permits to the operating company for a truck-trailer-trailer or
15 truck tractor-semitrailer-trailer-trailer combination of vehicles under the following conditions:

16 (a) the combination may be operated only on interstate highways, as defined in 60-1-103, and on other
17 highways within a 2-mile radius of an interstate highway interchange only in order to obtain necessary services
18 or to load or unload at a terminal. When a terminal is beyond a 2-mile radius, the department may authorize
19 travel between the terminal and the interchange.

20 (b) a combination of vehicles powered by a cab-over or tilt-cab truck tractor or a truck may not exceed
21 an overall length of 105 feet, inclusive of front and rear bumpers and overhang;

22 (c) a combination of vehicles powered by a conventional truck tractor may not exceed an overall length
23 of 110 feet, inclusive of the front and rear bumpers and overhang;

24 (d) an individual cargo unit of the combination may not exceed 28 1/2 feet in length and 102
25 inches in width;

26 (e) gross weight fees under 61-10-201 must be paid on the truck or truck tractor for the declared
27 registered gross weight of the special vehicle combination, but not to exceed the formula in 61-10-107;

28 (f) the combination must have a special overlength permit issued at a fee of \$200 for a term permit or

1 \$20 for each trip permit;

2 (g) travel of the combination may be restricted to specific routes, hours of operation, specific days, or
3 seasonal periods; and

4 (h) the department may enforce any other restrictions determined by the department to be necessary.

5 The permit is not transferable, and the fee for the permit is \$200.

6 (4) The department of transportation may issue special permits under subsection (3) for vehicle
7 combinations that consist of a truck-trailer-trailer if:

8 (a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95
9 feet; and

10 (b) the person, firm, or corporation applying for the permit:

11 (i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore, chlorite,
12 dolomite, limestone, and custom combine equipment;

13 (ii) operated the truck-trailer-trailer combination before July 1, 1987;

14 (iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that
15 those vehicles used before July 1, 1987; and

16 (iv) provides the department of transportation with an affidavit confirming the routes used before July 1,
17 1987, for truck-trailer-trailer operations.

18 (5) ~~For the purposes of~~As used in this section, a "nondivisible load" ~~is~~means:

19 (a) on public roads off of interstate highways, a load that cannot be readily or reasonably dismantled
20 and that is reduced to a minimum practical size and weight;

21 (b) on interstate highways, a load or vehicle exceeding applicable length or weight limits that, if
22 separated into smaller loads or vehicles, would:

23 (i) compromise the intended use of the vehicle;

24 (ii) destroy the value of the load or vehicle; or

25 (iii) require more than 8 work hours to dismantle using appropriate equipment."
26

27 **Section 52.** Section 61-10-141, MCA, is amended to read:

28 **"61-10-141. Officers authorized to weigh vehicles and require removal of excessive loads --**

1 **definition.** (1) (a) A peace officer, officer of the highway patrol, or employee of the department of transportation
2 may weigh any vehicle regulated by 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110, except
3 recreational vehicles, travel trailers, or motor homes, by means of either portable scales used on an engineered
4 site or stationary scales. The peace officer, officer of the highway patrol, or employee of the department of
5 transportation may require that the vehicle be driven to the nearest stationary scales or engineered site for use
6 of portable scales if those stationary scales or an engineered site is within 2 miles.

7 (b) If it is determined in the weighing process that the maximum allowable weights specified in 61-10-
8 101 through 61-10-104 and 61-10-106 through 61-10-110 have been exceeded, the peace officer, officer of the
9 highway patrol, or employee of the department of transportation may then require the driver to unload at a
10 designated facility that portion of the load necessary to decrease the weight of the vehicle to conform to the
11 maximum allowable weights specified in 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110. If the
12 excess weight does not exceed 10,000 pounds, an excess weight permit may be issued in accordance with 61-
13 10-121. The permit authorizes the driver of the excess weight load to proceed to a designated facility where the
14 load can be safely reduced to legal limits.

15 (2) Commodities and material unloaded as required by this section must be cared for by the owner or
16 operator of the vehicle at the risk of that owner or operator. Commodities or material unloaded as required by
17 this section may not be left on the highway right-of-way.

18 (3) The department of transportation may establish, maintain, and operate weigh stations, either
19 intermittently or on a continuous schedule, and may, except for trucks exempted by department administrative
20 rule, require all trucks and commercial motor vehicles of 26,000 pounds GVW or greater to enter for the
21 purpose of weighing and inspection for compliance with all laws pertaining to their operation and safety
22 requirements. The department may require vehicles over 10,000 pounds, except those exempted by
23 department administrative rule, to be inspected and weighed by portable scale crews when the portable scales
24 are used on an engineered site.

25 (4) ~~For the purposes of~~ As used in this section, "engineered site" means:

26 (a) a turnout designed and constructed by the department of transportation that has indents in the
27 pavement to level portable scales; or

28 (b) a site where leveling pads can be used in strict accordance with all of the manufacturer's manuals

1 and specifications."

2

3 **Section 53.** Section 61-11-101, MCA, is amended to read:

4 **"61-11-101. Report of convictions and suspension or revocation of driver's licenses --**

5 **surrender of licenses.** (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8,
6 makes mandatory the revocation of the driver's license or commercial driver's license of the person by the
7 department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then
8 held by the convicted person. The court shall forward the conviction to the department and destroy the driver's
9 licenses.

10 (2) A court having jurisdiction over offenses committed under a statute of this state or a municipal
11 ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or
12 ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days
13 after the conviction. The court may recommend that the department issue a restricted probationary license on
14 the condition that the individual comply with the requirement that the person attend and complete a chemical
15 dependency education course, treatment, or both, as ordered by the court under 61-8-1009.

16 (3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any
17 action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication
18 upon which it is based to the department within 5 days on forms furnished by the department.

19 (4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's
20 license or who is required to hold a commercial driver's license, a court may not take any action, including
21 deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic
22 control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the
23 person's driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who
24 holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to
25 the conviction of a person who holds any other type of driver's license.

26 (b) For purposes of this subsection (4), "who is required to hold a commercial driver's license" refers
27 to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle
28 at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in

1 subsection (1).

2 (5) (a) If a person who holds a valid registry identification card or license issued pursuant to 16-12-
3 203 or 16-12-508 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol
4 or drugs when the initial offense with which the person was charged was a violation of 61-8-1002, the court in
5 which the conviction occurs shall require the person to surrender the registry identification card or license.

6 (b) Within 5 days after the conviction, the court shall forward the registry identification card and a copy
7 of the conviction to the department of revenue.

8 (6) A person convicted of violating this section is subject to the penalties provided in 61-5-307."

9
10 **NEW SECTION. SECTION 54. {standard} Repealer.** The following sections of the Montana Code
11 Annotated are repealed:

12 61-9-513. Violation of general lighting requirement and slow-moving vehicle provisions -- penalty.

13 61-9-514. Unauthorized use of firefighter's private vehicle – penalty

14 61-9-519. Violation of tire restrictions – penalty..

15
16 **NEW SECTION. Section 55. Codification instruction.** [Section 1] is intended to be codified as an
17 integral part of Title 61, chapter 3, part 1, and the provisions of Title 61, chapter 3, part 1, apply to [section 1].

18 - END -