

HOUSE BILL NO. 212

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A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE LIABILITY OF AGRICULTURAL VEHICLES OPERATED ON HIGHWAYS; PROVIDING FOR A DUTY OF CARE TOWARD PEOPLE AND LIVESTOCK IN AGRICULTURAL VEHICLES; PROVIDING DEFINITIONS; AMENDING SECTIONS 61-1-101, 61-3-317, 61-5-112, AND 61-8-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Limited liability -- agricultural vehicles on highway.** (1) The owner, lessee, or operator of an agricultural vehicle operated on a highway is not liable in tort action for NONECONOMIC damages suffered as a result of an act or omission of the owner, lessee, or operator in excess of \$750,000 for each claim and \$1.5 million for each occurrence. THIS SECTION DOES NOT LIMIT ECONOMIC DAMAGES.

~~(2) — An insurer is not liable for excess damages DAMAGES IN EXCESS OF THE AMOUNTS IDENTIFIED IN SUBSECTION (1) unless the insurer agrees by written endorsement to provide coverage to the owner, lessee, or operator of an agricultural vehicle involved in amounts in excess of a limitation stated in this section, in which case the insurer may not claim the benefits of the limitation specifically waived.~~

~~(3)~~ (2) As used in this section, "agricultural vehicle" means:

- (a) a farm tractor as defined in 61-9-102;
- (b) an implement of husbandry as defined in 61-1-101;
- (c) a self-propelled farm equipment unit;
- (d) a combination of farm tractor and towed unit of farm equipment or implement of husbandry; or

(e) a vehicle used for hauling hay, straw, or both.

NEW SECTION. SECTION 2. DUTY OF CARE TOWARD PEOPLE AND LIVESTOCK IN AGRICULTURAL VEHICLES.

(1) THE OPERATOR OF A MOTOR VEHICLE OWES A DUTY OF CARE TOWARD PEOPLE AND LIVESTOCK IN AGRICULTURAL VEHICLES.

(2) Speeding, driving erratically, or passing vehicles in an unsafe manner in proximity to an agricultural vehicle is prima facie evidence of breach of duty.

(3) As used in this section, "agricultural vehicle" has the same meaning as provided in [section 1].

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

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

(1) "Agricultural operations" means any aspect of farming or ranching from preparation to sale and transportation.

~~(4)~~(2) (a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes on behalf of a third party.

(b) For purposes of this subsection ~~(4)~~ (2), "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

~~(2)~~(3) "Authorized agent agreement" means the written agreement executed between an authorized agent and the department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent is required to operate in performing specific motor vehicle or driver-related record functions.

~~(3)~~(4) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or roll hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

~~(4)~~(5) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

~~(5)~~(6) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, or other legal entity recognized under state law.

(b) The term does not include an individual.

~~(6)~~(7) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

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

~~(7)~~(8) "CDLIS driver record" means the electronic record of a person's commercial driver's license status and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

~~(8)~~(9) "Certificate of title" means the paper record issued by the department or by the appropriate agency of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons and the motor vehicle specifically described in the record and that provides notice of a perfected security interest in the motor vehicle.

~~(9)~~(10) "Commercial driver's license" means:

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

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

~~(40)~~(11)(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

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

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

- 1 (iii) is designed to transport at least 16 passengers, including the driver;
- 2 (iv) is a school bus; or
- 3 (v) is of any size and is used in the transportation of hazardous materials.
- 4 (b) The following vehicles are not commercial motor vehicles:
- 5 (i) an authorized emergency vehicle:
- 6 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and
- 7 (B) operated when responding to or returning from an emergency call or operated in another
- 8 official capacity;
- 9 (ii) a vehicle:
- 10 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the
- 11 farmer;
- 12 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within
- 13 Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana,
- 14 within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and
- 15 (C) not used to transport goods for compensation or for hire; or
- 16 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the
- 17 military reserves, a member of the national guard on active duty, including personnel on full-time national guard
- 18 duty, personnel in part-time national guard training, and national guard military technicians, or active duty
- 19 United States coast guard personnel.
- 20 (c) For purposes of this subsection ~~(40)~~ (11):
- 21 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of
- 22 land or crops or the raising of livestock owned by or under the direct control of that person;
- 23 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded
- 24 weight of a combination or articulated vehicle;
- 25 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded
- 26 weight of a single vehicle; and
- 27 (iv) "school bus" has the meaning provided in 49 CFR 383.5.
- 28 ~~(44)~~(12)"Commission" means the state transportation commission.

~~(12)~~(13)"Custom-built motorcycle" means a motorcycle that is equipped with:

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

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

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

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

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

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

~~(14)~~(15)"Customer identification number" means:

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

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

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

(d) if the customer has not been issued one of the numbers described in subsections ~~(14)~~(15)(a) through ~~(14)~~(15)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

~~(15)~~(16)(a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special mobile equipment that is not registered in the name of the person.

(b) The term does not include the following:

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

(ii) employees of the persons included in subsection ~~(15)(b)(i)~~ (16)(b)(i) when engaged in the specific performance of their duties as employees; or

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

~~(16)(17)~~ "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.

~~(17)(18)~~ "Department" means the department of justice acting directly or through its duly authorized officers or agents.

~~(18)(19)~~ "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

~~(19)(20)~~ "Domiciled" means a place where:

(a) an individual establishes residence;

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

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

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

~~(20)(21)~~ "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as maintained by the department on the individual Montana driving record and the CDLIS driver record for that person.

~~(21)(22)~~ "Driver" means a person who drives or is in actual physical control of a vehicle.

~~(22)(23)~~ "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(a) any temporary license or learner license;

(b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

(c) any nonresident's driving privilege;

(d) a motorcycle endorsement; or

(e) a commercial driver's license.

~~(23)~~(24)"Electric personal assistive mobility device" means a device that has two nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 1/2 miles an hour.

~~(24)~~(25)"For hire" means an action performed for remuneration of any kind, whether paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

~~(25)~~(26)(a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour.

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

~~(26)~~(27)"Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

~~(27)~~(28)"Hazardous material" means:

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

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

~~(28)~~(29)"Highway" or "public highway" 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.

~~(29)~~(30)"Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(30)~~(31)"Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively used by the owner of the vehicle in the conduct of the owner's for agricultural operations.

~~(31)~~(32)"Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

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

(b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and

drivetrain, commonly referred to as a donor vehicle.

~~(32)~~(33)"Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

~~(33)~~(34)"Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported, that:

(a) has four wheels;

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

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

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

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

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

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

~~(34)~~(35)"Low-speed restricted driver's license" means a license limited to the operation of a low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

(a) a temporary license or learner license;

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

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

~~(35)~~(36)"Manufactured home" has the meaning provided in 15-24-201.

~~(36)~~(37)"Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular business.

~~(37)~~(38)"Manufacturer's certificate of origin" means the original paper record produced and issued by the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and

transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of ownership of the vehicle to the person or persons named in the certificate.

~~(38)~~(39)(a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be transported, that:

- (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;
 - (ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;
 - (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power grid or from renewable electrical energy sources;
 - (iv) is fully enclosed and includes at least one door for entry;
 - (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;
 - (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565;
 - (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that indicates the vehicle's maximum speed rating; and
 - (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.
- (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration under Title 61, chapter 3.
- (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

~~(39)~~(40)"Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

~~(40)~~(41)"Montana resident" means:

- (a) an individual who resides in Montana as determined under 1-1-215; or
- (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a registered agent in this state.

~~(44)~~(42)(a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of

1 property for hire on a commercial basis.

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

3 ~~(42)~~(43)"Motor home" means a motor vehicle:

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

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

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

9 (i) cooking, refrigeration, or icebox;

10 (ii) self-contained toilet;

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

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

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

15 ~~(43)~~(44)(a) "Motor vehicle" means:

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

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

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

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

25 ~~(44)~~(45)(a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
26 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
27 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

28 (b) The term does not include a vessel that has a valid marine document issued by the United

1 States coast guard or any successor federal agency.

2 ~~(45)(46)~~(a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator
3 and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may
4 carry one or more attachments and a seat for the conveyance of a passenger.

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

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

8 (d) The term includes an autocycle.

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

11 ~~(46)(47)~~(a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
12 produces 5 horsepower or less.

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

15 ~~(47)(48)~~(a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be
16 transported, that:

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

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

19 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
20 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

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

26 ~~(48)(49)~~"New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal
27 or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person
28 as the result of a retail sale.

~~(49)~~(50)"Nonresident" means a person who is not a Montana resident.

~~(50)~~(51)(a) "Not used for general transportation purposes" means the operation of a motor vehicle registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional transportation activity.

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

~~(54)~~(52)(a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

(b) The term does not include:

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

(ii) snowmobiles; or

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

~~(52)~~(53)"Operator" means a person who is in actual physical control of a motor vehicle.

~~(53)~~(54)"Owner" means each person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession and control vested in an individual human being or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise in an individual human being, or in the event a mortgagor of a vehicle is entitled to possession and control, then the owner is the individual human being or mortgagor in whom is vested the right of possession and control.

~~(54)~~(55)"Person" means an individual human being, corporation, partnership, association, firm, or other legal entity.

~~(55)~~(56)"Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person

1 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the
2 vessel.

3 ~~(56)~~(57)"Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
4 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
5 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
6 structural members capable generally of sustaining themselves as beams between the supporting connections.

7 ~~(57)~~(58)"Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
8 violations of traffic regulations.

9 ~~(58)~~(59)(a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
10 having a seat or saddle on which the operator sits.

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

12 ~~(59)~~(60)"Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
13 stationary rails.

14 ~~(60)~~(61)(a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without
15 cars coupled to the engine, that is operated on rails.

16 (b) The term does not include streetcars.

17 ~~(61)~~(62)"Recreational vehicle" includes a motor home, travel trailer, or camper.

18 ~~(62)~~(63)"Registration" or "register" means the act or process of creating an electronic record,
19 maintained by the department, of the assignment of a license plate or a set of license plates to and the
20 issuance of a registration decal for a specific vehicle, the ownership of which has been established or is
21 presumed in department records.

22 ~~(63)~~(64)"Registration decal" means an adhesive sticker produced by the department and issued by the
23 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole
24 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
25 registration period indicated on the sticker as recorded by the department under 61-3-101.

26 ~~(64)~~(65)"Registration receipt" means a paper record that is produced and issued or, if authorized by the
27 department, an electronic record that is transmitted by the department, its authorized agent, or a county
28 treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic

1 record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the
2 registration of the vehicle for the registration period indicated in the receipt.

3 ~~(65)~~(66)"Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
4 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
5 other than resale.

6 ~~(66)~~(67)"Revocation" means the termination by action of the department of a person's driver's license,
7 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's
8 license for a period of time designated by law, during which the license or privilege may not be renewed,
9 restored, or exercised. An application for a new license may be presented and acted on by the department after
10 the expiration of the period of the revocation.

11 ~~(67)~~(68)"Roadway" means that portion of a highway improved, designed, or ordinarily used for
12 vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate
13 roadways, the term refers to any roadway separately but not to all roadways collectively.

14 ~~(68)~~(69)(a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

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

16 ~~(69)~~(70)"School zone" means an area near a school beginning at the school's front door,
17 encompassing the campus and school property, and including the streets directly adjacent to the school
18 property and for as many blocks surrounding the school as determined by the local authority establishing a
19 special speed limit under 61-8-310(1)(d).

20 ~~(70)~~(71)"Sell" means to transfer ownership from one person to another person or from a dealer to
21 another person for consideration.

22 ~~(71)~~(72)"Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
23 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
24 that of its load rests on or is carried by another vehicle.

25 ~~(72)~~(73)"Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
26 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and
27 that is not otherwise registered or licensed under the laws of the state of Montana.

28 ~~(73)~~(74)"Special mobile equipment" means a vehicle not designed for the transportation of persons or

property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

~~(74)(75)~~(a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

- (i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;
- (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;
- (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;
- (iv) has been constructed or assembled by using major component parts from one or more manufactured vehicles and that cannot be identified as a specific make or model; or
- (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

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

~~(75)(76)~~(a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is 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)(77)~~(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)(78)~~"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)(79)"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)(80)"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)(81)"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)(82)"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) required vehicle and owner information; and

(ii) 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, whichever first occurs; or

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

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

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

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

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

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

- (a) that is 46 feet or less in length;
- (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;
- and
- (c) that is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

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

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

(88)(89)"Under the influence" has the meaning provided in 61-8-1001.

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

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

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

(b) The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person

and that is used as a means of mobility for that person.

~~(92)(93)~~"Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

~~(93)(94)~~"Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~(94)(95)~~"Wholesaler" means a person that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."

Section 4. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase. (1) The new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by this chapter, and local option taxes, if applicable. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

(2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the period allowed under ~~61-1-101(81)(b)~~ 61-1-101(82)(b) if at all times during that period a temporary registration permit issued under 61-3-224 is properly displayed."

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

"61-5-112. Reciprocal agreements. The department is authorized to enter into reciprocal

1 agreements with adjacent states that would allow certain drivers of vehicles transporting farm products, farm
2 machinery, or farm supplies within 150 miles of a farm to operate without a commercial driver's license because
3 the vehicles are not considered commercial motor vehicles as provided in ~~61-1-101(10)(b)(ii)~~ 61-1-
4 101(11)(b)(ii)."

5
6 **Section 6.** Section 61-8-102, MCA, is amended to read:

7 **"61-8-102. Uniformity of interpretation -- definitions.** (1) Interpretation of this chapter in this state
8 must be as consistent as possible with the interpretation of similar laws in other states.

9 (2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

10 (a) "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized
11 under Title 7, chapter 33, an ambulance, or an emergency vehicle designated or authorized by the department.

12 (b) "Bicycle" means a vehicle propelled solely by human power on which any person may ride,
13 irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an
14 electrically assisted bicycle.

15 (c) "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a
16 bicycle.

17 (d) "Business district" means the territory contiguous to and including a highway when within any
18 600 feet along a highway there are buildings in use for business or industrial purposes, including but not limited
19 to hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage
20 on one side or 300 feet collectively on both sides of the highway.

21 (e) "Controlled-access highway" means a highway, street, or roadway in respect to which owners
22 or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or
23 roadway except at the points and in the manner as determined by the public authority having jurisdiction over
24 the highway, street, or roadway.

25 (f) "Crosswalk" means:

26 (i) that part of a roadway at an intersection included within the connections of the lateral lines of
27 the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the
28 edges of the traversable roadway; or

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

(g) "Electrically assisted bicycle" means a vehicle on which a person may ride that has two tandem wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than 20 miles an hour on a paved, level surface.

(h) "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic on a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular traffic hazard, must be equipped as required by the rules of the department of transportation.

(i) "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later dedicated to public use.

(j) "Ignition interlock device" means ignition equipment that:

(i) analyzes the breath to determine blood alcohol concentration;

(ii) is approved by the department pursuant to 61-8-1025; and

(iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a specific amount of an alcoholic beverage.

(k) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one another at or approximately at right angles or the area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting highways also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways must be regarded as a separate intersection.

(l) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

(m) "Local authorities" means every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(n) "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

(o) "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and includes but is not limited to the vehicles listed in ~~61-1-101(10)(b)~~ 61-1-101(11)(b).

(p) "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(q) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

(r) "Police vehicle" means a vehicle used in the service of any law enforcement agency.

(s) "Private road" or "driveway" means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(t) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is primarily improved with residences or residences and buildings in use for business.

(u) "Right-of-way" means the privilege of the immediate use of the roadway.

(v) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.

(w) "School bus" has the meaning provided in 20-10-101.

(x) "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use by pedestrians.

(y) "Traffic control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(z) "Urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-fourth mile or more."

NEW SECTION. Section 7. Codification instruction. ~~[Section 4 SECTIONS 1 AND 2]~~ is ARE intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to ~~[section 4 SECTIONS 1 AND 2]~~.

NEW SECTION. SECTION 8. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

NEW SECTION. SECTION 9. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID APPLICATIONS.

NEW SECTION. Section 10. Applicability. ~~[This act SECTION 1]~~ applies to causes of action that occur FILED on or after [the effective date of this act].

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