

SENATE BILL NO. 380

INTRODUCED BY S. VANCE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOTOR VEHICLES; INCLUDING THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN A LIST OF UNITED STATES TERRITORIES ISSUING DRIVER'S LICENSES AND OTHER IDENTIFICATIONS; REVISING DISABILITY PARKING PERMIT APPLICATION REQUIREMENTS; REVISING DEFINITIONS; REVISING VEHICLE TITLE LAWS; REVISING VEHICLE REGISTRATION LAWS; ALLOWING THE DEPARTMENT AND CERTAIN APPLICANTS TO CONDUCT MORE BUSINESS ELECTRONICALLY; REORGANIZING DEFINITIONS IN TITLE 61, CHAPTER 3, PART 4, MCA; REVISING LICENSE PLATE LAWS; REVISING THE MINIMUM AGE FOR A DRIVER'S LICENSE; REVISING CERTAIN EXPIRATIONS FOR COMMERCIAL DRIVER'S LICENSES; REVISING STATUTES FOR THE CANCELLATION OF LICENSES; PROVIDING DEFINITIONS; AMENDING SECTIONS 2-6-1501, 49-4-303, 61-1-101, 61-3-109, 61-3-201, 61-3-202, 61-3-204, 61-3-210, 61-3-217, 61-3-220, 61-3-224, 61-3-303, 61-3-321, 61-3-401, 61-3-405, 61-3-412, 61-3-413, 61-4-101, 61-4-125, 61-4-128, 61-4-129, 61-4-225, 61-4-301, 61-5-105, 61-5-111, 61-5-119, 61-5-201, 61-8-1016, 61-8-1017, 61-8-1032, AND 61-12-501, MCA; AND REPEALING SECTIONS 61-3-413, 61-3-426, 61-3-473, AND 61-5-209, MCA."

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

Section 1. Section 2-6-1501, MCA, is amended to read:

"2-6-1501. Definitions. As used in this part, the following definitions apply:

(1) "Breach of the security of a data system" or "breach" means the unauthorized acquisition of computerized data that:

(a) materially compromises the security, confidentiality, or integrity of the personal information maintained by a state agency or by a third party on behalf of a state agency; and

(b) causes or is reasonably believed to cause loss or injury to a person.

(2) "Chief information security officer" means an employee at the department of administration

designated by the chief information officer who is responsible for protecting the state's information assets and citizens' data by:

(a) advising and overseeing information security strategy and programs for executive branch state agencies without elected officials;

(b) advising and consulting information security strategy and programs for executive branch state agencies with elected officials and the legislative and judicial branches; and

(c) advising information security strategy and programs for city, county, consolidated city-county, and local governments and for school districts, other political subdivisions, or tribal governments.

(3) "Individual" means a human being.

(4) "Person" means an individual, a partnership, a corporation, an association, or a public organization of any character.

(5) (a) "Personal information" means a first name or first initial and last name in combination with any one or more of the following data elements when the name and data elements are not encrypted:

(i) a social security number;

(ii) a driver's license number, an identification card number issued pursuant to 61-12-501, a tribal identification number or enrollment number, or a similar identification number issued by any state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, or American Samoa;

(iii) an account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to a person's financial account;

(iv) medical record information as defined in 33-19-104;

(v) a taxpayer identification number; or

(vi) an identity protection personal identification number issued by the United States internal revenue service.

(b) The term does not include publicly available information from federal, state, local, or tribal government records.

(6) "Redaction" means the alteration of personal information contained within data to make all or a significant part of the data unreadable. The term includes truncation, which means that no more than the last

1 four digits of an identification number are accessible as part of the data.

2 (7) "Security incident" means an occurrence that:

3 (a) actually or potentially jeopardizes the confidentiality, integrity, or availability of an information
4 system or the information the system processes, stores, or transmits; or

5 (b) constitutes a violation or imminent threat of violation of security policies, security procedures, or
6 acceptable use policies.

7 (8) (a) "State agency" means an agency, authority, board, bureau, college, commission,
8 committee, council, department, hospital, institution, office, university, or other instrumentality of the legislative
9 or executive branch of state government. The term includes an employee of a state agency acting within the
10 course and scope of employment.

11 (b) The term does not include an entity of the judicial branch.

12 (9) "Third party" means:

13 (a) a person with a contractual obligation to perform a function for a state agency; or

14 (b) a state agency with a contractual or other obligation to perform a function for another state
15 agency."

16

17 **Section 2.** Section 49-4-303, MCA, is amended to read:

18 **"49-4-303. Issuance of interim disability parking permit.** A ~~licensed~~certified physician, ~~a licensed~~
19 ~~chiropractor, or a licensed-advanced practice registered nurse, as provided in 37-8-202,~~ may issue an interim
20 disability parking permit, in a form authorized by the department, to a person who has a disability that limits or
21 impairs the person's mobility and upon whose behalf the physician, chiropractor, or advanced practice
22 registered nurse has submitted a request for a disability parking permit under 49-4-301. The interim disability
23 parking permit is valid only in Montana, may not be renewed or extended, and expires 5 days from the date of
24 issuance."

25

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

27 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
28 definitions apply:

(1) (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 (1), "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) "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) "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) "Bus" means a motor vehicle designed for carrying 10 or 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) (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) (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) "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) "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) "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.

(10) (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;

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

(iv) is a school bus; or

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

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

(i) an authorized emergency vehicle:

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

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

(ii) a vehicle:

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

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

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

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

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

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

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

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

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

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

(12) "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) "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) "Customer identification number" means:

(a) a driver's license or identification card number when the customer is an individual who has

1 been issued a driver's license or identification card by a state driver licensing authority;

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

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

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

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

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

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

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

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

20 (iv) a person or business who leases property for the purpose of selling vehicles and does not have
21 personnel directly involved with the management of the vehicle business, the sale of vehicles, or regular
22 operating hours open to the public or does not have customer service representatives at the business location
23 in this state. This does not include an entity participating in a state-approved program through a third-party
24 technology service provider or a direct technology integration.

25 (v) a business that operates outside of the traditional regulatory framework of a Montana licensed
26 dealer when no Montana title is secured, and the sale of the vehicle is completed outside of the state. This
27 shadow dealer activity includes leasing and creating unmanned storefronts in this state for the purpose of
28 selling vehicles outside of the state.

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

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

(22) "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) "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) "For hire" means an action performed for remuneration of any kind, whether paid or promised,

1 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements
2 from which a remuneration is obtained or derived for transportation service.

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

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

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

9 (27) "Hazardous material" means:

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

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

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

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

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

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

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

23 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and
24 drivetrain, commonly referred to as a donor vehicle.

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

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

- 1 (a) has four wheels;
- 2 (b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as
- 3 certified by the manufacturer;
- 4 (c) is propelled by its own power, using an electric motor or other device that transforms stored
- 5 electrical energy into the motion of the vehicle;
- 6 (d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the
- 7 power grid or from renewable electrical energy sources;
- 8 (e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;
- 9 (f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
- 10 identification number as provided in 49 CFR, part 565; and
- 11 (g) is equipped as provided in 61-9-432.
- 12 (34) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed
- 13 electric vehicle or a golf cart issued under or granted by the laws of this state, including:
- 14 (a) a temporary license or learner license;
- 15 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of
- 16 61-5-122, whether or not the person holds a valid driver's license; and
- 17 (c) a nonresident's similarly restricted driving privilege.
- 18 (35) "Manufactured home" has the meaning provided in 15-24-201.
- 19 (36) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
- 20 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a
- 21 regular business.
- 22 (37) "Manufacturer's certificate of origin" means the original ~~paper~~-record produced and issued by
- 23 the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
- 24 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
- 25 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
- 26 ownership of the vehicle to the person or persons named in the certificate.
- 27 (38) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be
- 28 transported, that:

- 1 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;
- 2 (ii) is propelled by its own power, using an electric motor or other device that transforms stored
- 3 electrical energy into the motion of the vehicle;
- 4 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the
- 5 power grid or from renewable electrical energy sources;
- 6 (iv) is fully enclosed and includes at least one door for entry;
- 7 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;
- 8 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
- 9 identification number as provided in 49 CFR, part 565;
- 10 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
- 11 indicates the vehicle's maximum speed rating; and
- 12 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.
- 13 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
- 14 registration under Title 61, chapter 3.
- 15 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000
- 16 pounds.
- 17 (39) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.
- 18 (40) "Montana resident" means:
- 19 (a) an individual who resides in Montana as determined under 1-1-215; or
- 20 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
- 21 registered agent in this state.
- 22 (41) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers
- 23 appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of
- 24 property for hire on a commercial basis.
- 25 (b) The term does not include motor carriers regulated under Title 69, chapter 12.
- 26 (42) "Motor home" means a motor vehicle:
- 27 (a) designed to provide temporary living quarters, built as an integral part of or permanently
- 28 attached to a self-propelled motor vehicle chassis or van;

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

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

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

(iii) heating or air conditioning, or both;

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

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

(43) (a) "Motor vehicle" means:

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

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

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

(b) The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal assistive mobility device, a motorized nonstandard vehicle, or a motorized 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.

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

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

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

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

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

(d) The term includes an autocycle.

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

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

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

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

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

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

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

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

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

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

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

(50) (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.

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

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

(55) "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 sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(56) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or

structural members capable generally of sustaining themselves as beams between the supporting connections.

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

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

(b) The term does not include golf carts.

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

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

(b) The term does not include streetcars.

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

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

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

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

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

(66) "Revocation" means the termination 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 and be issued a driver's license for a period of time designated by law, during which the license or privilege may not be renewed, restored, or exercised. An application for a new license may be presented and acted on by the department after the expiration of the period of the revocation.

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

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

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

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

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

(71) "Semitrailer" 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 some part of its weight and that of its load rests on or is carried by another vehicle.

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

(73) "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) (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) (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) (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) "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) "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) "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) "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;

(ii) 60 days from the date a license plate is ordered when the requested license plate is not readily available and needs to be manufactured; or

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

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

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

(89) "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) "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) (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) "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) "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) "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 61-3-109, MCA, is amended to read:

"61-3-109. Electronic title, lien filing, and registration. (1) The department shall develop and implement a pilot program to allow:

(a) electronic transmission of data by an authorized agent, a county treasurer, or a person to or from the department in lieu of the transmission of paper documents;

(b) substantiation of electronic record transactions performed by the department, an authorized agent, a county treasurer, or a person;

(c) the production and certification by a court or an authorized agent of a motor vehicle record generated from electronic records of title and registration maintained by the department;

(d) electronic filing, perfection, and release of security interests or liens of record;

(e) certification and audit by the department of its authorized agents; and

(f) expedited title services for customers with exceptional needs who are willing to pay an optional fee prescribed by the department by rule.

(2) Money collected from the fee imposed under subsection (1)(f) must be deposited in the motor vehicle information technology system account provided for in 61-3-550.

(3) Electronic title is title to a vehicle."

SECTION 5. SECTION 61-3-201, MCA, IS AMENDED TO READ:

"61-3-201. Certificate of title required -- nonresident title -- exclusions. (1) Except as provided in subsection (3), the owner of a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal

watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

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

- (a) may produce a title for nonresident business and financial institution applicants;
- (b) may enter a voluntary security interest or lien on the title in accordance with 61-3-103;
- (c) is authorized to establish an application fee and title fee for nonresident applicants;
- (d) shall require ~~an a nonresident business~~ applicant to submit a penalty bond of no less than ~~\$250,000~~ \$100,000 payable to the motor vehicle division, conditioned that the applicant will not commit fraud against any purchaser, seller, financial institution, the state, or any other state by using this section. A financial institution is exempt from the bond requirement in this subsection (2)(d).

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

- (a) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;
- (b) except as required in 61-4-111, a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:
 - (i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and
 - (ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;
- (c) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident or a nonresident who has an interest in real property in Montana who chooses not to register a motor vehicle in this state as provided in 61-3-303;
- (d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile regularly engaged in the interstate transportation of persons or property and:

- 1 (i) for which a currently effective certificate of title has been issued in another state or jurisdiction;
2 or
3 (ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;
4 (e) a vehicle moved solely by human or animal power;
5 (f) an implement of husbandry;
6 (g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to
7 agricultural land;
8 (h) a self-propelled wheelchair or tricycle used by a person with a disability;
9 (i) a dolly or converter gear;
10 (j) a mobile home or housetrailer;
11 (k) a manufactured home declared to be an improvement to real property under 15-1-116; or
12 (l) a golf cart unless it is operated by a person with a low-speed restricted driver's license."
13

14 **Section 6.** Section 61-3-202, MCA, is amended to read:

15 **"61-3-202. Certificate of title -- issuance -- contents -- joint ownership.** (1) A certificate of title
16 issued by the department must contain:

- 17 (a) the date issued;
18 (b) the name and address of the owner;
19 (c) the mileage disclosed by the transferor when ownership of the motor vehicle, trailer, semitrailer,
20 pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile was transferred, including a
21 notation that the record mileage is actual, not actual, or exceeds mechanical limits;
22 (d) the name and address of each secured party and lienholder, in the order of priority and
23 perfection or, if the application was based on a surrendered certificate of title, in the order that the names and
24 addresses are shown on the certificate of title;
25 (e) the title number assigned to the motor vehicle, trailer, semitrailer, pole trailer, camper,
26 motorboat, personal watercraft, sailboat, or snowmobile;
27 (f) the name of the jurisdiction in which the motor vehicle, trailer, semitrailer, pole trailer, camper,
28 motorboat, personal watercraft, sailboat, or snowmobile owner resides, the words "certificate of title", the motor

vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile identification number, the manufacturer's designated model year of manufacture, make, and model of the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile, and any required or carried-forward brands;

(g) the unique transaction record number, if available and assigned by the department; and

(h) any other data that the department prescribes.

(2) A certificate of title issued by the department is valid until cancelled by the department upon:

(a) a transfer, in the electronic record, of title of any ownership interest shown in the certificate of title;

(b) notice received by the department of the surrender of the certificate of title to a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile to a title-issuing agency of another jurisdiction for an issuance of a title in that jurisdiction;

(c) the issuance of a duplicate certificate of title; or

(d) a determination by the department that the certificate of title contains a substantial error or that the person who requested issuance of the certificate of title paid the required fees and taxes with an insufficient funds check.

(3) (a) Whenever the conditions described in subsection (2)(d) occur, the department shall:

(i) give prompt written notice of the cancellation of the certificate of title to any owner, secured party, or lienholder of record; and

(ii) stop any change to the electronic record of title.

(b) The action taken by the department under subsection (3)(a) prevents the transfer of any ownership interest until the error is corrected or the fees and taxes have been paid.

(4) If the names and addresses of more than one owner are listed on the certificate of title, joint ownership with right of survivorship, ~~and not as tenants in common and not as transfer on death~~, is presumed."

Section 7. Section 61-3-204, MCA, is amended to read:

"61-3-204. Replacement certificate of title -- application. (1)~~-(a)~~ If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic

record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of \$10.

~~(b)(2)~~ The amount of \$5 of the fee must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5 must be deposited in the motor vehicle information technology system account provided for in 61-3-550.

~~(e)(3)~~ Beginning July 1, 2026, the fee for a replacement certificate of title is \$5 and the entire fee must be deposited in the state general fund.

~~(2) — Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title."~~

SECTION 8. SECTION 61-3-210, MCA, IS AMENDED TO READ:

"61-3-210. Definitions. As used in this part, the following definitions apply:

(1) "Cab" means the passenger compartment of a truck or pickup truck. It is a unit of construction that includes the top or roof and the cowl and may or may not include glass, instrumentation, the steering column, and a seat or seats.

(2) "Center structure" includes the section of either a unibody or frame-type passenger motor vehicle that consists of a unit of sheet metal that extends from the firewall to the back of the rear seat or the centerline of the rear wheels. The structure may comprise the roof, side and rear window posts, cowl panel, dash panel, floor pans, doors, and rocker panels if two or more of these parts are assembled together as one unit.

(3) "Component part" means the front-end assembly, center structure, or tail section of an automobile, the cab of a truck, the bed of a 1-ton or lighter truck, the frame of a motor vehicle, or any part of a motor vehicle that contains a vehicle identification number or a derivative of a vehicle identification number.

~~(4) "FINANCIAL INSTITUTION" MEANS A BANK OR CREDIT UNION THAT IS FEDERALLY INSURED.~~

~~(4)(5)~~ "Frame" means the structure that supports the automobile body and other external component parts.

(5)(6) "Front-end assembly" includes the hood, right front and left front fenders, grill, bumper, and radiator supports if two or more of these parts are assembled together as one unit forward of the firewall.

(6)(7) "Salvage certificate" means a certificate of title issued by the department for a salvage vehicle that may be used to retitle the motor vehicle.

(7)(8) "Salvage vehicle" means a motor vehicle damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the owner, an insurer, or another person acting on behalf of the owner determines that the cost of parts and labor makes it uneconomical to repair the vehicle.

(8)(9) "Salvage vehicle purchaser" means a person, other than an insurer, who purchases or otherwise obtains possession of a salvage vehicle.

(9)(10) "Tail section" includes the floor pan, right rear and left rear quarter panels, deck lid, upper rear and lower rear panels, and rear bumper if two or more of these parts are assembled together as one unit."

Section 9. Section 61-3-217, MCA, is amended to read:

"61-3-217. Certificate of title -- duties -- examination of application -- records check -- incomplete application. (1) (a) Upon receipt of an application for a certificate of title and any supporting documents, an authorized agent of the department or a county treasurer shall:

(i) review the application and documents;

(ii) complete the records check required in subsection (2); and

(iii) if an authorized agent of the department or the county treasurer is satisfied as to the genuineness and regularity of the application and satisfied that the applicant is entitled to the issuance of a certificate of title, enter the transfer of interest on the electronic record of title.

(b) If an authorized agent of the department or the county treasurer is not satisfied as to the genuineness and regularity of the application or is not satisfied that the applicant is entitled to the issuance of a certificate of title, the authorized agent or the county treasurer may not enter the transfer of interest on the electronic record of title.

(c) If an authorized agent of the department or the county treasurer enters the transfer of interest on the electronic record of title, an authorized agent or the county treasurer shall:

(i) issue a transaction summary receipt to the applicant and, if requested, to any secured party or

lienholder with a perfected security interest; and

(ii) as prescribed by the department, forward to the department the application, the assigned certificate of title, and any other documents provided in support of the application.

(2) The department, its authorized agent, or a county treasurer who first receives an application for a certificate of title shall check the vehicle identification number shown on the application against:

(a) the records of motor vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles maintained by the department under 61-3-101;

(b) the reported stolen motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile databases maintained on the state's criminal justice information network and by the national crime information center; and

(c) any other records or databases prescribed by the department.

(3) (a) Upon receipt of an application for a certificate of title and supporting documents that have been processed by an authorized agent of the department or a county treasurer, the department shall review the documents to determine if the application is complete. If the department determines that the application is incomplete, the department shall enter the incomplete status of the application on the electronic record of title for the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile and may return to the applicant, electronically or by first-class mail, the application and all supporting documents. The department shall provide a statement with a specific description of the additional information or documents that must be supplied by the applicant to complete the application process.

(b) The department may not complete the application process, remove the incomplete status notation on the electronic record of title, or issue a certificate of title until the applicant returns the completed application, including any supporting additional information or documents, to the department."

Section 10. Section 61-3-220, MCA, is amended to read:

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

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

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

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

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

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

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

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

(b) request the return of the original title for vehicles 30 years or older, or whose certificates of title were removed from department records pursuant to 61-3-227, on a form prescribed by the department; and

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

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

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

(4) If the person to whom an interest in a motor vehicle, trailer, semitrailer, pole trailer, camper,

motorboat, personal watercraft, sailboat, or snowmobile has been transferred fails to comply with the requirements described in subsection (3) within the 40-day grace period, a late penalty of \$10 must be imposed against the transferee. The penalty must be paid before the transferee registers the motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile in this state, with or without the surrender of an assigned certificate of title. The penalty is in addition to the fees otherwise provided by law.

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

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

Section 11. Section 61-3-224, MCA, is amended to read:

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

(b) An authorized agent or a county treasurer may issue a temporary registration permit without use of the department-approved electronic interface only if authorized by the department.

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

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

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

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

(c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,

motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

(4) A temporary registration permit for:

(a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

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

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

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

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

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

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

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

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

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

(7) If a temporary registration permit is issued under this section to a person to whom ownership of

a vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."

Section 12. Section 61-3-303, MCA, is amended to read:

"61-3-303. Original registration -- process -- fees. (1) Except as provided in 61-3-324, a Montana resident who is an owner of a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the county where the registering owner is domiciled. A nonresident who has an interest in real property in Montana may register in the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state. A person serving or retired from serving aboard the USS Montana may register by mail in Lewis and Clark County or electronically using forms prescribed by the department.

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

(a) an individual human being; and

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

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

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

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

(4) (a) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer or the authorized agent examines the current

1 out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The
2 county treasurer or an authorized agent may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to
3 provide additional information, prescribed by the department, to ensure that the electronic record of registration
4 maintained by the department is complete.

5 (b) A county treasurer or an authorized agent shall collect fees pursuant to 61-3-203 and 61-3-
6 220(4) and issue a 90-day temporary registration permit pursuant to 61-3-224 for a motor vehicle, trailer,
7 semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway
8 vehicle for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a
9 previously assigned certificate of title. The new owner shall request the 90-day temporary registration permit
10 from the authorized agent or county treasurer that originally issued the temporary registration permit.

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

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

16 (a) update the electronic record of title, if any, maintained for the vehicle by the department under
17 61-3-101;

18 (b) assign a registration period for the vehicle under 61-3-311;

19 (c) determine the vehicle's age, if required, under 61-3-501;

20 (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection
21 (6); and

22 (e) assign and issue license plates for the vehicle under 61-3-331.

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

25 (a) the fees in lieu of tax or registration fees as required for:

26 (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or
27 fee under 61-3-537 or 61-3-570;

28 (ii) a motor home under 61-3-321;

- 1 (iii) a travel trailer under 61-3-321;
- 2 (iv) a motorcycle or quadricycle under 61-3-321;
- 3 (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor
- 4 under 61-3-321 and 61-3-529; or
- 5 (vi) a trailer under 61-3-321;
- 6 (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
- 7 awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact
- 8 anatomical gifts;
- 9 (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote
- 10 education on, support for, and awareness of traumatic brain injury; and
- 11 (d) a donation of \$1 or more if the person indicates that the person wishes to donate to a program
- 12 supporting cancer screening.
- 13 (7) The county treasurer or an authorized agent may not issue a registration receipt or license
- 14 plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the
- 15 payments required by subsection (6).
- 16 (8) The department may make full and complete investigation of the registration status of the motor
- 17 vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or
- 18 pole trailer under this section shall provide additional information to support the registration to the department if
- 19 requested.
- 20 (9) Revenue that accrues from the voluntary donations provided for in subsection (6) must be
- 21 forwarded by the respective county treasurer or an authorized agent to the department for deposit as follows:
- 22 (a) in the state special revenue fund to the credit of an account established by the department of
- 23 labor and industry to support activities related to awareness and education efforts for procurement of organ and
- 24 tissue donations for anatomical gifts if the revenue is from the donation provided for in subsection (6)(b);
- 25 (b) to the credit of the account established in 2-15-2218 if the revenue is from the donation
- 26 provided for in subsection (6)(c); and
- 27 (c) to the credit of the special revenue account established in 33-22-2104 if the revenue is from the
- 28 donation provided for in subsection (6)(d).

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

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

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

Section 13. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees -- definition. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (20).

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

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

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

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

(i) if the declared weight is less than 6,000 pounds, \$61.25; or

(ii) if the declared weight is 6,000 pounds or more, \$148.25.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which

1 must be deposited in the account established under 61-6-158;

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

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

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

7 (8) (a) (i) Except as provided in subsections (8)(b), (8)(c), and (15), the one-time registration fee for
8 motorcycles and quadricycles registered for use on the public highways is \$53.25, the one-time registration fee
9 for motorcycles and quadricycles registered for off-highway use is \$53.25, and the one-time registration fee for
10 motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

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

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

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

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

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

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

25 (i) use on the public highways is \$33.25; and

26 (ii) both off-road use and for use on the public highways is \$94.50.

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

1 (a) under 16 feet in length, \$72; and

2 (b) 16 feet in length or longer, \$152.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (13) (a) Except as provided in subsection (13)(b), a fee of \$12 must be collected when a new set of
27 standard license plates, a new single standard license plate, or a replacement set of special license plates
28 required under 61-3-332 is issued. The fee imposed under this subsection (13)(a) does not apply when

1 previously issued license plates are transferred under 61-3-335. All registration fees imposed under this section
2 must be paid if the vehicle to which the plates are transferred is not currently registered.

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

6 (c) The fees imposed in this subsection (13) must be deposited in the account established under
7 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

8 (14) The provisions of this part with respect to the payment of registration fees do not apply to and
9 are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or
10 controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202,
11 or to a vehicle or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a),
12 (1)(d), (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-
13 3-520.

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

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

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

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

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

28 (i) \$6.74 must be deposited in the state special revenue account established in 23-1-105 and

used for state parks;

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

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

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

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

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

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

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

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

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

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

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

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

(24) An election made pursuant to this section may be made in writing or electronically.

~~(24)~~(25)For the purposes of this section, "manufacturer's suggested retail price" means the price suggested by a manufacturer for each given type, style, or model of a light vehicle or motor home produced and first made available for retail sale by the manufacturer."

Section 14. Section 61-3-401, MCA, is amended to read:

"61-3-401. Definition of personalized license plates. As used in this part, the following definitions apply:

(1) (a) "Collector reproduction license plate" means a license that is a reproduction of the original license plate issued according to the provisions of 61-3-331, section 53-116, R.C.M. 1947, section 1759.1, R.C.M. 1935, or section 1759, R.C.M. 1921, whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

(b) To qualify as a collector reproduction license plate, the reproduction plate must:

(i) be made of metal;

(ii) be the same size and color as the original license plate; and

(iii) have the same design, including any embossed or raised letters or numbers, as the original license plate.

(2) "Collegiate license plates" means license plates bearing the colors, numerals, letters, and insignia provided in 61-3-463 and issued as provided in 61-3-464 through 61-3-466.

(3) "General transportation collector's item" means a motor vehicle, trailer, semitrailer, or pole

trailer that is 25 years old or older and that is used for general transportation purposes.

(4) "Generic specialty license plate" means a license plate that bears the name, identifying phrase, or graphic of a sponsor, approved by the department, and that is issued by the department.

(5) "Governmental body" means a tribal government, state agency, local government, school district, or other political subdivision within this state.

(6) "Institution" means:

(a) a unit of the Montana university system as designated in 20-25-201;

(b) a community college district as defined in 20-15-101; or

(c) a college or university located in Montana and accredited by a national or regional accrediting association for institutions of higher learning to grant baccalaureate degrees.

(7) "Naval support license plate" means a license plate:

(a) sponsored by an incorporated body promoting the commissioning of a United States navy ship or the welfare of the crew of a United States navy ship named in association with Montana;

(b) with a design and content approved by the department, and with a numbering system conforming to generic specialty license plates that is distinctive from the numbering system required under 61-3-332 or used for collegiate license plates; and

(c) treated as a generic specialty license plate for the purposes of 61-3-475 through 61-3-481.

(8) "Organization" means an association, corporation, group, or other entity:

(a) recognized by the internal revenue service as tax-exempt under 26 U.S.C. 501(c)(3); and

(b) that does not have as its primary focus sectarian activities, including but not limited to activities aimed at promoting the adoption of one or more religious or political viewpoints.

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

(10) "Personalized license plates", as used in 61-3-401 through 61-3-406, are means license plates that are specially produced and display a specific combination of letters or numbers, or both, expressly requested by the owner of the passenger motor vehicle.

(11) "Sponsor" means the governmental body, the governmental body's successor, or an organization approved by the department to promote the sale and issuance of a generic specialty license plate.

(12) "Tribal government" means the officially recognized government of an Indian tribe, nation, or other organized Indian group or community located in the state that is exercising self-government powers and that is recognized as being eligible for services provided by the United States to Indians because of their status as Indians."

Section 15. Section 61-3-405, MCA, is amended to read:

"61-3-405. Application for personalized plates. An applicant for personalized license plates or renewal of such plates in subsequent years pursuant to 61-3-401 through 61-3-406 shall file an application therefor in the form and by the date the department requires, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall may not be ~~no~~ a duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or ~~which that~~ are misleading or a duplication of license plates provided for elsewhere in this title."

Section 16. Section 61-3-412, MCA, is amended to read:

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

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

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

(b) "Original Montana license plate" means a license plate issued according to the provisions of

61-3-331; section 53-116, R.C.M. 1947; section 1759.1, R.C.M. 1935; or section 1759, R.C.M. 1921; whichever section was effective during the year of the manufacture of the motor vehicle, trailer, semitrailer, or pole trailer on which the license plate is authorized to be displayed.

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

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

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

(i) the license plate is legible and meets the requirements of ~~subsection (1)~~ 61-3-401; and

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

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

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

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

(4)(3) If the owner of a motor vehicle, trailer, semitrailer, or pole trailer meets the requirements of subsection (2) (1), the department shall:

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

(b) issue a validating decal inscribed with:

(i) a unique number; and

(ii) the letter:

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

3 (B) "V" to designate motor vehicles, trailers, semitrailers, or pole trailers described in 61-3-
4 411(2)(b).

5 ~~(5)~~(4) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall permanently affix the
6 validating decal to the windshield of the collector's item motor vehicle, trailer, semitrailer, or pole trailer or, if a
7 windshield does not exist, to another prominent and visible position on the motor vehicle, trailer, semitrailer, or
8 pole trailer.

9 ~~(6)~~(5) The owner of the motor vehicle, trailer, semitrailer, or pole trailer shall pay to the department
10 with the application required under this section a one-time special collector's item motor vehicle, trailer,
11 semitrailer, or pole trailer license fee of \$20."

12

13 **Section 17.** Section 61-3-413, MCA, is amended to read:

14 **"61-3-413. Registration of motor vehicle as general transportation collector's item -- definition -**
15 **- permanent registration required.** ~~(1) For the purposes of 61-3-412 and this section, a "general~~
16 ~~transportation collector's item" is a motor vehicle, trailer, semitrailer, or pole trailer that is 25 years old or older~~
17 ~~and that is used for general transportation purposes.~~

18 ~~(2)~~(1) An owner of a general transportation collector's item who wishes to display original Montana
19 license plates or collector reproduction license plates on the motor vehicle, trailer, semitrailer, or pole trailer
20 shall file with the department an application for the registration of the motor vehicle, trailer, semitrailer, or pole
21 trailer. The application must state:

22 (a) the name and address of the owner;

23 (b) the year and number of the license plate the applicant wishes to use; and

24 (c) the make, the gross weight, the year and number of the model, and the manufacturer's
25 identification number and serial number of the motor vehicle, trailer, semitrailer, or pole trailer.

26 ~~(3)~~(2) Upon receipt of an application for registration of a general transportation collector's item that
27 will display an original Montana license plate, the department shall compare the number of the license plate that
28 the applicant intends to use with the license plate numbers assigned to currently registered motor vehicles,

trailers, semitrailers, or pole trailers. The department may reject an application if the number the applicant intends to use matches a number that is assigned to a currently registered motor vehicle, trailer, semitrailer, or pole trailer. If the department approves the application, the department shall file the application and register the motor vehicle, trailer, semitrailer, or pole trailer in the manner specified in 61-3-101.

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

(a) issue a new license plate number following the requirements for issuing distinctive license plate numbers under 61-3-331;

(b) issue a new personalized license plate number under 61-3-401 through 61-3-406; or

(c) at the request of the owner, transfer a license plate number that is already assigned to the general transportation collector's item or another motor vehicle owned by the owner of the general transportation collector's item.

~~(5)~~(4) The general transportation collector's item owner may take the license plate number issued pursuant to subsection ~~(4)~~ (3) and purchase a collector reproduction license plate from any source.

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

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

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

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

Section 18. Section 61-4-101, MCA, is amended to read:

1 **"61-4-101. Types of licenses and terms -- common application -- bonds -- zoning.** (1) Except as
2 provided in 61-4-120 and 61-4-125, a person may not engage in the business of buying, selling, exchanging,
3 accepting on consignment, or acting as a broker of a motor vehicle, trailer, travel trailer, semitrailer, pole trailer,
4 motorcycle, quadricycle, motorboat, personal watercraft, snowmobile, off-highway vehicle, or special mobile
5 equipment that is not registered in the person's name unless the person is the holder of a license issued by the
6 department under this part.

7 (2) (a) The department may issue a new dealer's license, a used dealer's license, a broker's
8 license, an auto auction license, or a wholesaler license to any person it determines is qualified to hold the
9 license under the provisions of this section.

10 (b) A new dealer's license authorizes the holder to sell:

11 (i) any new motor vehicle, new power sports vehicle, or new trailer that is covered under a
12 franchise agreement between the holder and the manufacturer, importer, or distributor of the line of vehicle or
13 trailer offered for sale; and

14 (ii) any used motor vehicle, used power sports vehicle, or used trailer.

15 (c) A used dealer license authorizes the holder to sell any used motor vehicle, used power sports
16 vehicle, or used trailer.

17 (d) A broker's license authorizes the holder to negotiate the purchase, sale, or exchange of a
18 motor vehicle, power sports vehicle, or trailer from a dealer or another person upon behalf of a client when the
19 broker does not store, display, or take ownership of the motor vehicle, power sports vehicle, or trailer being
20 purchased, sold, or exchanged.

21 (e) Except as provided in 61-4-120, an auto auction license authorizes the holder to take
22 possession of a used vehicle owned by another person through consignment, bailment, or any other
23 arrangement and to sell to the highest bidder when all bidders are licensed vehicle dealers, wholesalers, or
24 wrecking facilities.

25 (f) A wholesaler license authorizes the holder to sell used vehicles to a new or used vehicle
26 dealer, an auto auction, or another wholesaler.

27 (3) Dealer license expiration dates must be staggered throughout the year in a manner prescribed
28 by the department.

(4) Subject to the provisions of 61-4-120, 61-4-124, and 61-4-125, a license issued by the department is valid until:

(a) voluntarily returned to the department for surrender and cancellation upon the cessation of the licensee's business operations; or

(b) suspended or revoked for a violation of this chapter or any other laws relating to the sale of motor vehicles, power sports vehicles, or trailers.

(5) (a) An applicant for a new dealer's license, a used dealer's license, a broker's license, an auto auction license, or a wholesaler license shall submit a written application to the department. The application must be signed by the applicant and contain a verification by the applicant, under penalty of law, that the information contained in the application is true and correct. Any information provided in the license application process is subject to independent verification by the department or an authorized representative of the department.

(b) After examining a license application and conducting an investigation necessary to verify the information contained in the application and if the department is satisfied that the applicant qualifies for the issuance of a license under the provisions of this chapter, the department may issue the license. The department may refuse, after examination and investigation, to issue a license to an applicant who is not qualified for licensure or whose prior financial or other activities or criminal record, as determined by the department:

(i) poses a threat to the effective regulation of dealers, wholesalers, or auto auctions;

(ii) poses a threat to the public interest of the state; or

(iii) creates a danger of illegal or deceptive practices being used in the conduct of the proposed dealership, wholesaler, or auto auction.

(6) To be qualified for licensure, an applicant shall provide to the department the following information:

(a) the name under which the applicant intends to conduct business and the applicant's name, the street address and, if different, mailing address for the business, and customer identification number;

(b) the name, date of birth, and social security number of any person who:

(i) possesses or will possess an ownership interest in the business for which the license is sought;

(ii) is a corporate officer or the managing member of a business entity applying for the license; or

(iii) is or will be designated by the applicant to manage or oversee the applicant's business;

(c) for each person subject to the provisions of subsection (6)(b), information concerning whether the person has:

(i) an ownership interest in a vehicle dealership, an auto auction, or a wholesaler business in Montana or any other state and, if so, the name and address of each dealership, auto auction, or wholesaler; and

(ii) been found guilty of, or pleaded guilty to, a felony in this or any other jurisdiction and, if so, shall provide a summary of the conduct resulting in the felony charge, including the dates of the conduct and any court proceedings pertaining to the conduct and the name and address of any court in which the matter was heard;

(d) the name, address, and telephone number of the insurance carrier from whom the applicant has acquired general liability insurance, naming the department as a certificate holder of the policy, and the name, address, and telephone number of the local insurance agent for the carrier and the applicant's policy number. The insurance must cover any motor vehicle bearing dealer or demonstrator license plates and any motorboat, snowmobile, or off-highway vehicle displaying a dealer's identification card that is offered for demonstration or loan to a customer or otherwise operated by a customer in the regular course of the applicant's business and must be for a minimum of 1 year;

(e) the geographic location of the physical lot or lots upon which vehicles will be displayed for sale, if applicable, and of a permanent nonresidential building, with no more than three other wholesale, broker, auction, or retail vehicle dealers in the same building or at the same location, that will be maintained to store the actual physical or electronic records resulting from the purchase, sale, trade, or consignment of vehicles for which licensure is sought. An applicant may use more than one location to display vehicles for sale if the maximum distance between each display lot does not exceed 200 feet and if the distance between a display lot and the building in which vehicle sales records are stored does not exceed 1,000 feet.

(f) for each geographic location specified in the application, evidence of the applicant's compliance with applicable local land use planning, zoning, and business permitting requirements, if any. Evidence of compliance may be documented by means of a written verification of compliance signed by the

1 authorized representative of the local land use planning or zoning board or the local business-permitting
2 agency.

3 (g) a diagram or plat showing the geographic location, lot dimensions, if applicable, and building
4 and sign placement for the applicant's proposed established place of business, along with two or more
5 photographs of the geographic location, building premises, and sign, as prescribed by the department;

6 (h) if the applicant is seeking a new motor vehicle dealer's license:

7 (i) the name and address of the manufacturer, importer, or distributor with whom the applicant has
8 a written new motor vehicle, power sports vehicle, or trailer franchise or sales agreement, the term of the
9 agreement, and the name and make of all motor vehicles, power sports vehicles, or trailers to be handled by
10 the applicant;

11 (ii) the geographic location or locations, specified in writing, upon which the applicant will provide
12 and maintain a permanent building to display and sell new motor vehicles, power sports vehicles, or trailers and
13 offer and maintain a bona fide service department for the repair, service, and maintenance of the motor
14 vehicles, power sports vehicles, or trailers; and

15 (iii) verification that the applicant otherwise meets the requirements of part 2 of this chapter.

16 (7) If an applicant wants to maintain more than one established place of business, the applicant
17 shall file a separate license application for each proposed place of business and otherwise qualify for licensure
18 at each place separately.

19 (8) Each application under this section must be accompanied by the following fees:

20 (a) for a new or used dealer's license, a broker's license, or a wholesaler's license, \$30; and

21 (b) for an auto auction license, the fee provided for in 61-4-120.

22 (9) (a) Except as provided in subsection (9)(b), an applicant for a dealer's license, broker's license,
23 wholesaler's license, or auto auction license shall also file with the application a bond of \$50,000.

24 (b) An applicant whose business will be restricted to the sale of motorcycles or quadricycles shall
25 file a bond of \$15,000. An applicant whose business will be restricted to the sale of motorboats, personal
26 watercraft, snowmobiles, or off-highway vehicles, other than motorcycles originally equipped for use on the
27 highway, shall file a bond of \$5,000.

28 (c) All bonds must be conditioned that the applicant shall conduct the business in accordance with

the requirements of the law. All bonds must be approved by the department, must be filed in its office, and must be renewed annually."

Section 19. Section 61-4-125, MCA, is amended to read:

"61-4-125. Wholesaler restrictions -- demonstrator plates -- annual report. (1) The retail sale of used vehicles by a wholesaler is prohibited.

(2) Wholesalers may not be issued or use dealer plates, as provided in 61-4-102. However, a wholesaler may be issued demonstrator plates, as provided in 61-4-129, for use on any type of motor vehicle or trailer that a wholesaler is authorized to sell. To the extent not inconsistent with this section, use of wholesaler demonstrator plates is otherwise governed by 61-4-129.

(3) (a) On or before the 15th day of the month prior to the dealer license expiration month, a wholesaler shall submit an annual report, in a form or manner prescribed by the department, to the department to advise the department of any changes that may have occurred in that calendar year affecting the information originally filed under 61-4-101. The report must contain information concerning owner identity, other ownership interests, felony conduct, general liability insurance status, surety bond filings, and any other relevant information requested by the department. A \$30 filing fee must be submitted with the report.

(b) If a wholesaler seeks to change the applicant's name, ownership interest in the business, corporate officer or managing member of the business entity, or a person designated by the applicant to manage or oversee the applicant's business, the wholesaler shall also provide a new license application as originally required under 61-4-101 and the department shall examine the license application as required under 61-4-101.

(c) Additionally, the wholesaler shall certify in an annual report, under penalty of law, that the wholesaler sold 12 or more motor vehicles, power sports vehicles, or trailers to a dealer, an auto auction, or another wholesaler during the calendar year for which the annual report is filed. A wholesaler who was licensed for less than a full calendar year shall certify, under penalty of law, to the sale of an average of at least one motor vehicle, power sports vehicle, or trailer a calendar month or portion of a calendar month during which the license was in effect.

(d) A wholesaler who cannot, under penalty of law, certify the number of motor vehicle sales

required under subsection (3)(c) shall pay a fee of \$25 in addition to the filing fee required in subsection (3)(a) must be subject to revocation."

Section 20. Section 61-4-128, MCA, is amended to read:

"61-4-128. Common standards -- dealer plates -- demonstrator plates -- loaner plates -- identification cards -- fees. (1) (a) Dealer, demonstrator, loaner, and courtesy license plates authorized under this part must be designed by the department in a manner that is similar to standard license plates furnished under 61-3-332, but the word "dealer", "demonstrator", "loaner", or "courtesy" must be included in the plate design.

(b) Dealer, demonstrator, loaner, and courtesy license plates must be numbered in a manner that is readily distinguishable from other plate styles issued by the department. The numbering system for dealer plates must contain the distinctive license number, up to 25 characters long, assigned by the department to a dealer and a number or alphanumeric identification mark assigned by the department that relates to the assignment of sets of dealer plates to a dealer. The numbering system for demonstrator and loaner plates may be sequential and unrelated to the number of demonstrator plates or the distinctive license number assigned to a dealer, wholesaler, or auto auction.

(c) Dealer, demonstrator, loaner, and courtesy plates issued under this part must be replaced on the same cycle that is required for standard license plates under 61-3-332.

(d) Except as provided in 61-4-124, dealer, demonstrator, loaner, and courtesy plates must display a registration decal, affixed as prescribed by the department, for the calendar year for which use of the plate or plates is authorized under this part.

(2) (a) Identification cards must be designed by the department and furnished to dealers to authorize the demonstration of a motorboat or personal watercraft, a snowmobile, or an off-highway vehicle by a dealer licensed under this part or a customer of a dealer licensed under this part. Each identification card must include the dealer's name and address and the license number assigned by the department to the dealer and must designate the type of power sports vehicle for which its use is authorized, such as a motorboat or personal watercraft, snowmobile, or off-highway vehicle.

(b) The department may use the same numbering system for identification cards as it uses for

demonstrator and loaner plates.

(3) (a) Upon issuance of a license to a dealer whose business includes the sale of motorboats or personal watercraft, snowmobiles, or off-highway vehicles, the department shall furnish identification cards to a dealer as follows:

(i) for a dealer who sells motorboats or personal watercraft, one identification card;

(ii) for a dealer who sells snowmobiles, two identification cards; and

(iii) for a dealer who sells off-highway vehicles, two identification cards.

(b) The dealer may obtain additional identification cards for \$2, as needed, and upon submitting justification for the need to the department.

(4) (a) An identification card issued to a dealer who sells motorboats or personal watercraft may be displayed on a dealer's motorboat or personal watercraft while the motorboat or personal watercraft is operating for a purpose related to the buying, selling, exchanging, or performance testing of the motorboat or personal watercraft by the dealer, manufacturer, or potential buyer.

(b) An identification card issued to a dealer who sells snowmobiles must be carried by the dealer when demonstrating the dealer's snowmobiles or by the dealer's customer.

(c) An identification card issued to a dealer who sells off-highway vehicles must be carried by the dealer when the dealer's off-highway vehicles are being demonstrated for sale purposes or by the dealer's customer.

(5) (a) All dealer, demonstrator, loaner, and courtesy plates and identification cards issued under this part are expired on the first day following the dealer license expiration date of the year of issue and must be renewed annually.

(b) A dealer, wholesaler, or auto auction that files the annual report as required under 61-4-120, 61-4-124, or 61-4-125 may display or use dealer or demonstrator plates and identification cards assigned for the prior calendar year until the dealer license expiration date."

Section 21. Section 61-4-129, MCA, is amended to read:

"61-4-129. Assignment of demonstrator plates. (1) (a) A dealer or wholesaler may purchase demonstrator plates at a fee of \$5 a plate.

(b) Demonstrator plates may not be issued to a new or used dealer whose business is restricted to the sale of power sports vehicles.

(2) (a) Except as provided in subsection (2)(c), demonstrator plates may be used on a motor vehicle displaying a Monroney label or a buyer's guide label, as required by 61-4-123(2), or on a truck, truck tractor, truck tractor pulling a laden or unladen semitrailer, or travel trailer that is:

(i) being demonstrated and offered for sale to a dealership customer for not more than 72 hours when operated by an individual holding a valid operator's license;

(ii) owned by the dealership when operated by an officer or bona fide full-time employee of the dealer or wholesaler and used to transport the dealer's or wholesaler's own tools, parts, and equipment;

(iii) being tested for repair;

(iv) being moved to or from a dealer's place of business for sale;

(v) being moved to or from service and repair facilities before sale; and

(vi) being moved to or from exhibitions within the state, provided the exhibition does not exceed a period of 20 days.

(b) Demonstrator plates may be used:

(i) on trailers being hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer;

(ii) on travel trailers held for sale to demonstrate the towing capability of the motor vehicle, for not more than 72 hours;

(iii) on any motor vehicle owned by the dealer that is used only to move a travel trailer that is in the dealer's inventory; and

(iv) on trailers being moved to or from exhibitions within the state if the exhibition does not exceed a period of 20 days.

(c) Extra demonstrator plates may be made available to dealers eligible for demonstrator plates under subsection (2)(a) to provide to one or more service repair facilities to be used when moving a motor vehicle in the dealer's inventory to and from the dealer's place of business and the service and repair facility prior to sale. A motor vehicle displaying demonstrator plates under this subsection is not required to have a Monroney label or a buyer's guide label as required by 61-4-123(2). The department may require justification for

1 additional demonstrator plates.

2 (d) A motor vehicle being operated in accordance with this subsection (2) need only display one
3 demonstrator plate conspicuously on the rear of the motor vehicle."

4

5 **Section 22.** Section 61-4-225, MCA, is amended to read:

6 **"61-4-225. Loaner license plates -- issuance -- restrictions on use.** (1) On application and
7 payment of an annual fee of \$25 for a set, the department may issue loaner plates to a new motor vehicle
8 dealer as defined in 61-4-201.

9 (2) Loaner license plates may be displayed only on a new motor vehicle:

10 (a) that remains on a manufacturer's statement of origin;

11 (b) that is in the inventory of the dealer and held primarily for resale; and

12 (c) that the dealer loans to a customer while the dealer is repairing the customer's vehicle.

13 (3) A dealer shall maintain records detailing to whom a vehicle bearing loaner plates has been
14 loaned, the date of the loan, the date on which the vehicle bearing loaner plates is to be returned, and the
15 actual date of the vehicle's return. These records must include the name, address, and telephone number of the
16 person or entity to whom the vehicle has been loaned and the name of a contact person who will oversee the
17 actual operation and use of the vehicle. The records are subject to audit by the department.

18 (4) It is the responsibility of the person or entity to whom the vehicle bearing loaner plates was
19 loaned to carry, while operating or in actual physical control of the vehicle, written proof that the person or entity
20 is authorized to operate or be in actual physical control of the vehicle.

21 (5) If a dealer allows a person or entity to operate or retain actual physical control of a vehicle
22 bearing loaner plates in violation of this section, the department may suspend the dealer's right to use the
23 loaner plates for a period not to exceed 6 months.

24 (6) A dealer may apply for additional plates if the dealer can demonstrate, to the satisfaction of the
25 department, that additional sets of plates are needed."

26

27 **Section 23.** Section 61-4-301, MCA, is amended to read:

28 **"61-4-301. Permit and transit plates for new motor vehicles being transported by driveway or**

towaway methods -- used mobile homes. (1) (a) A person, firm, partnership, or corporation, regularly and lawfully engaged in the transportation of new motor vehicles over the highways of this state from manufacturing or assembly points to agents of manufacturers and dealers in this state or in other states, territories, or foreign countries or provinces by the driveaway or towaway methods, when the motor vehicles being driven, towed, or transported by the saddle-mount, towbar, or full-mount methods, or a lawful combination of these methods, will be transported over the highways of the state only once, may annually apply to the department of justice for a permit to use the highways of this state and shall pay, upon filing the application, a fee of \$100. Upon processing of the application, that department shall issue an annual permit to the applicant.

(b) A person moving used mobile homes from a point outside the state to a point inside the state may apply to the department for the permit authorized pursuant to subsection (1)(a).

(2) (a) The permitholder may also apply to the department of justice for five sets of transit plates showing the permit number for identification of the motor vehicles being transported by the permitholder, and the plates or devices may be used on a motor vehicle being driven, towed, or transported by and under the control of the permitholder. The department shall collect the additional sum of \$10 for each set of transit plates or devices applied for and issued.

(b) A permitholder may apply for and receive more than five sets of transit plates in a calendar year if the permitholder can demonstrate, to the satisfaction of the department, that additional sets of plates are needed based on the number of trip fees reported in Montana in the previous calendar year. The department shall collect \$10 for each additional set of transit plates issued.

(3) The department of justice shall retain the permit and plate fees to defray costs of administering 61-4-301 through 61-4-308.

(4) The permit and transit plates or devices expire on December 31 of each year when the dealer plate expires."

Section 24. Section 61-5-105, MCA, is amended to read:

"61-5-105. Who may not be licensed. The department may not issue a license under this chapter to a person:

(1) who is under ~~16~~15 years of age unless:

1 (a) ~~the person is at least 15 years of age and has passed a driver's education course approved by~~
2 ~~the department and the superintendent of public instruction; or~~

3 (b) ~~the person is at least 13 years of age and, because of individual hardship, to be determined by~~
4 ~~the department, needs a restricted license;~~

5 (2) whose license or driving privilege is currently suspended, revoked, or canceled, except as
6 provided in 61-5-232, or who is disqualified from operating a commercial motor vehicle in this or any state, as
7 evidenced by an ineligible status report from the national driver register, established under 49 U.S.C. 30302, or
8 from the commercial driver's license information system, established under 49 U.S.C. 31309;

9 (3) who is addicted to the use of alcohol or narcotic drugs;

10 (4) who has previously been adjudged to be afflicted with or suffering from any mental disability or
11 disease and who, at the time of application, has not been restored to competency by the methods provided by
12 law;

13 (5) who is required by this chapter to take an examination;

14 (6) who has not deposited proof of financial responsibility when required under the provisions of
15 chapter 6 of this title;

16 (7) who has any condition characterized by lapse of consciousness or control, either temporary or
17 prolonged, that is or may become chronic. However, the department may, in its discretion, issue a license to an
18 otherwise qualified person suffering from a condition if the afflicted person's attending physician, licensed
19 physician assistant, or advanced practice registered nurse, as defined in 37-8-102, attests in writing that the
20 person's condition has stabilized and would not be likely to interfere with that person's ability to operate a motor
21 vehicle safely and, if a commercial driver's license is involved, the person is physically qualified to operate a
22 commercial motor vehicle under applicable state or federal regulations.

23 (8) who lacks the functional ability, due to a physical or mental disability or limitation, to safely
24 operate a motor vehicle on the highway;

25 (9) who is not a resident of or domiciled in Montana except as provided in 61-5-103(3); or

26 (10) whose presence in the United States is not authorized under federal law. When an applicant
27 who is not a citizen of the United States applies for a driver's license, the department shall verify that the
28 applicant is lawfully present in the United States by using the federal systematic alien verification for

entitlements program. The department may not accept a driver's license issued by another state as proof that an applicant is lawfully present in the United States under federal law."

Section 25. Section 61-5-111, MCA, is amended to read:

"61-5-111. Contents of driver's license, renewal, license expirations, license replacements, grace period, and fees for licenses, permits, and endorsements -- notice of expiration. (1) (a) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's license receipts. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell receipts.

(b) The department may enter into an authorized agent agreement with ~~the county treasurer of any county in which the department no longer maintains a driver examination station~~ county treasurers for the purpose of providing driver's license ~~renewal~~ limited services.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, and Montana residence address unless the licensee requests use of the mailing address, except that the Montana residence address must be used for a REAL ID-compliant driver's license unless authorized by department rule;

(iv) a brief description of the licensee;

(v) either the licensee's customary manual signature or a reproduction of the licensee's customary manual signature; and

(vi) if the applicant qualifies under subsection (7), indication of the applicant's status as a veteran.

(b) The department may not use the licensee's social security number as the distinguishing number. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and road or skills

1 test if:

2 (i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or
3 may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor
4 vehicle on the highway; and

5 (ii) the expired or expiring license does not include adaptive equipment or operational restrictions
6 appropriate to the applicant's functional abilities; or

7 (iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring
8 license.

9 (b) In the case of a commercial driver's license, the department shall, if the information was not
10 provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in
11 which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period
12 immediately preceding the date of the renewal application and may also require that the applicant successfully
13 complete a written examination as required by federal regulations.

14 (c) A person is considered to have applied for renewal of a Montana driver's license if the
15 application is made within 6 months before or 1 year after the expiration of the person's license or if the person
16 has applied for a REAL ID-compliant driver's license pursuant to 61-5-129. Except as provided in subsection
17 (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination
18 station.

19 (d) (i) Except as provided in subsections (3)(d)(iii) through (3)(d)(v), a person may renew a driver's
20 license by mail or online.

21 (ii) An applicant who renews a driver's license by mail or online shall submit a completed
22 application and the fees required for renewal.

23 (iii) If the department does not have a digitized photograph and signature record of the renewal
24 applicant from the expiring license, then the renewal applicant shall apply in person.

25 (iv) Except as provided in subsections (4)(b) and (4)(c), the term of a license renewed by mail or
26 online is 12 years for a driver's license or 8 years for a REAL ID-compliant driver's license.

27 (v) The department may not renew a license by mail or online if:

28 (A) the records check conducted in accordance with 61-5-110(1) shows an ineligible license status

for the applicant;

(B) the applicant holds a commercial driver's license with a hazardous materials endorsement, the retention of which requires additional testing and a security threat assessment under 49 CFR, part 1572;

(C) the applicant seeks a change of address, a change of date of birth, or a name change; or

(D) the applicant's license:

(I) has been expired for more than 1 year; or

(II) except as provided in subsection (3)(f), was renewed by mail or online at the time of the applicant's previous renewal.

(e) A renewal applicant who is stationed outside Montana on active military duty may renew the license by mail or online as long as the applicant is on active military duty.

(f) The spouse or a dependent of a renewal applicant who is stationed outside Montana on active military duty may renew the applicant's license by mail or online for one additional consecutive term following a renewal by mail or online.

(g) The department shall send electronically or mail a driver's license renewal notice no earlier than 120 days and no later than 30 days prior to the expiration date of a driver's license. The department shall send the notice to the licensee's Montana mailing address shown on the driver's license or, if requested by the licensee, provide the notice using an authorized method of electronic delivery, or both.

(4) (a) Except as provided in subsections (4)(b) through (4)(e), a license expires on the anniversary of the licensee's birthday 12 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(d) (i) Except as provided in subsection (4)(d)(ii), a commercial driver's license expires on the anniversary of the licensee's birthday 4-8 years or less after the date of issue.

(ii) When a person obtains a Montana commercial driver's license with a hazardous materials endorsement after surrendering a comparable commercial driver's license with a hazardous materials

endorsement from another licensing jurisdiction, the license expires on the anniversary of the licensee's birthday 4 years or less after the date of the issue of the surrendered license if, as reported in the commercial driver's license information system, a security threat assessment was performed on the person as a condition of issuance of the surrendered license.

(e) A license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law expires, as determined by the department, no later than the expiration date of the official document issued to the person by the bureau of citizenship and immigration services of the department of homeland security authorizing the person's presence in the United States.

(5) When the department issues a driver's license to a person under 18 years of age, the license must be clearly marked with a notation that conveys the restrictions imposed under 61-5-133.

(6) (a) Upon application for a driver's license or commercial driver's license and any combination of the specified endorsements, the following fees must be paid:

(i) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

(ii) motorcycle endorsement -- 50 cents a year or fraction of a year;

(iii) commercial driver's license:

(A) interstate -- \$10 a year or fraction of a year; or

(B) intrastate -- \$8.50 a year or fraction of a year.

(b) A renewal notice for either a driver's license or a commercial driver's license is 50 cents.

(7) (a) Upon receiving a request from a person whose status as a veteran has been verified by the department of military affairs pursuant to 10-2-1301 and upon receiving the information and fees required in this part, the department shall include the word "veteran" on the face of the license.

(b) After a person's status as a veteran is denoted on a driver's license, the department may not require further documentation of that status from the holder of the license upon subsequent renewal or replacement.

(8) (a) Except as provided in subsection (8)(b), an applicant may request a replacement driver's license online or by mail.

(b) If the department does not have a digitized photograph and signature record of the applicant, the applicant shall apply in person.

(c) The term of the replacement license must be the term of the applicant's current driver's license.

(9) (a) An applicant may request an expedited delivery service for a driver's license or identification card. The department shall set a fee for expedited delivery based on the cost of providing this service.

(b) The fees for expedited delivery must be deposited in the motor vehicle division administration account established in 61-3-112 and used for the purposes of expediting delivery, including actual costs for delivery, personnel, and related technology."

Section 26. Section 61-5-119, MCA, is amended to read:

"61-5-119. Definitions. (1) For the purposes of 61-5-120, "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, motor vehicle modification prescription, and driver education;

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

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

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

(2) For the purposes of 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)~~ 61-5-201, the cancellation of a license is without prejudice and application for a new license may be made at any time after cancellation."

Section 27. Section 61-5-201, MCA, is amended to read:

"61-5-201. Authority of department to cancel license. (1) The department may cancel a driver's license if it has reasonable grounds to believe that:

(a) the licensee was not entitled to the issuance;

(b) since the issuance, the licensee has become ineligible as determined pursuant to the provisions of 61-5-105;

(c) the licensee failed to give the required or correct information in the licensee's application or committed any fraud in making the application; or

(d) the licensee has applied for another driver's license or an identification card issued by the department.

~~(2) Upon cancellation, the licensee shall surrender the canceled license to the department.~~

~~(3)~~(2) A person whose driver's license is canceled because the person failed to give the required or correct information on the application or committed any fraud in making the application is disqualified from operating a commercial motor vehicle for a period of 60 days from the date of the cancellation."

Section 28. Section 61-8-1016, MCA, is amended to read:

"61-8-1016. Implied consent -- blood or breath tests for alcohol, blood or oral fluid for drugs, or testing for both -- alcohol and drugs using recognized methods for each -- refusal to submit to test -- administrative license suspension. (1) (a) A person who operates or is in actual physical control of a vehicle or commercial motor vehicle upon the ways of this state open to the public is considered to have given consent to a test or tests of the person's blood or breath for the purpose of determining any measured amount or detected presence of alcohol or blood or oral fluid for the purpose of determining any measured amount or detected presence of drugs in the person's body.

(b) The tests in subsection (1)(a) include but are not limited to a preliminary alcohol screening test of the person's breath for the purpose of estimating the person's alcohol concentration.

(c) A preliminary alcohol screening test may not be conducted or requested under this section unless both the peace officer and the instrument used to conduct the test have been certified by the department pursuant to rules adopted under the authority of 61-8-1019(5).

(d) The person's obligation to submit to a test in subsection (1)(a) is not satisfied by the person submitting to a preliminary alcohol screening test pursuant to this section.

(2) (a) The test or tests must be administered at the direction of a peace officer when:

(i) the peace officer has particularized suspicion to believe that the person has been driving or has been in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol, drugs, or a combination of the two and the person has been detained for a violation of driving under the influence as provided in 61-8-1002 or an offense that meets the definition of aggravated driving under the influence in 61-8-1001;

(ii) the person is under the age of 21 and the peace officer has particularized suspicion to believe that the person has been driving or in actual physical control of a vehicle in violation of 61-8-1002(1)(e); or

(iii) the peace officer has probable cause to believe that the person was driving or in actual physical control of a vehicle or commercial motor vehicle:

(A) in violation of driving under the influence, as provided in 61-8-1002, and the person has been placed under arrest;

(B) in violation of driving under the influence as provided in 61-8-1002, and the person has been involved in a motor vehicle crash or collision resulting in property damage;

(C) and the person has been involved in a motor vehicle accident or collision resulting in serious bodily injury, as defined in 45-2-101, or death; or

(D) in violation of driving under the influence as provided in 61-8-1002 and meets the definition of aggravated driving under the influence in 61-8-1001.

(b) A peace officer may designate which test or tests are administered.

(c) The peace officer shall inform the person of the right to refuse the test and that the refusal to submit to the test will result in the suspension for up to 1 year of that person's driver's license.

(d) A hearing as provided for in 61-8-1017 must be available. The issues in the hearing must be limited to determining whether a peace officer had a particularized suspicion that the person was in violation of 61-8-1002 or an offense meeting the definition of aggravated driving under the influence in 61-8-1001, and whether the person refused to submit to the test.

(e) If a person refuses a preliminary alcohol screening test and another test during the same incident, the department may not consider each a separate refusal for purposes of suspension of the person's driver's license.

(3) A person who is unconscious or who is otherwise in a condition rendering the person incapable

of refusal is considered not to have withdrawn the consent requested in subsection (1).

(4) (a) If an arrested person refuses to submit to one or more tests requested and designated by the peace officer, the refused test or tests may not be given unless the person has refused to provide a breath, blood, urine, or other bodily substance in a prior investigation in this state or under a substantially similar statute in another jurisdiction or the arrested person has a prior conviction or pending offense for a violation of 45-5-104, 45-5-106, 45-5-205, or driving under the influence, including 61-8-1002, an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or a similar statute in another jurisdiction.

(b) On the person's refusal to provide the breath, blood, urine, oral fluid, or other bodily substance requested by the peace officer pursuant to subsection (1) and this subsection (4) may apply for a search warrant to be issued pursuant to 46-5-224 to collect a sample of the person's blood or oral fluid for testing.

(c) (i) On the person's refusal to provide a breath, blood, urine, oral fluid, or other bodily substance, the peace officer shall, ~~on behalf of the department, immediately seize the person's driver's license.~~ The peace officer shall immediately forward the license to the department, along with a report certified under penalty of law stating which of the conditions set forth in subsection (2)(a) provides the basis for the testing request and confirming that the person refused to submit to one or more tests requested and designated by the peace officer. Upon receipt of the report, the department shall suspend the license for the period provided in 61-8-1032.

(ii) ~~Upon seizure of a driver's license, the~~ The peace officer shall issue, on behalf of the department, a temporary driving permit, which is effective 12 hours after issuance and is valid for 5 days following the date of issuance, and shall provide the driver with written notice of the license suspension and the right to a hearing as provided in 61-8-1017.

~~(iii) — A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.~~

(5) This section does not apply to tests, samples, and analyses of blood, breath, or urine used for purposes of medical treatment or care of an injured motorist, related to a lawful seizure for a suspected violation of an offense not in this part, or performed pursuant to a search warrant.

(6) This section does not prohibit the release of information obtained from tests, samples, and analyses of blood, breath, or urine for law enforcement purposes as provided in 46-4-301 and 61-8-1019(6)."

Section 29. Section 61-8-1017, MCA, is amended to read:

"61-8-1017. Right of appeal to court. (1) Within 30 days after notice of the right to a hearing has been given by a peace officer, a person may file a petition to challenge the license suspension or revocation in the district court in the county where the arrest was made.

(2) The court has jurisdiction and shall set the matter for hearing. The court shall give at least 10 days' written notice of the hearing to the county attorney of the county where the arrest was made and to the city attorney if the incident leading to the suspension or revocation resulted in a charge filed in a city or municipal court. The county attorney or city attorney may represent the state. If the county attorney and the city attorney cannot agree on who will represent the state, the county attorney shall represent the state.

(3) Upon request of the petitioner, the court may ~~order the department to return the seized license or~~ issue a stay of the suspension or revocation action pending the hearing.

(4) The court shall take testimony, examine the facts of the case, and determine whether the petitioner is entitled to a license or whether the petitioner's license is subject to suspension or revocation based on no other issues than:

(a) whether a peace officer had a basis for requesting a test or tests as set forth in 61-8-1016, and

(b) whether the person refused to submit to one or more tests designated by the peace officer.

(5) This section does not grant a right of appeal to a state court if a driver's license is ~~initially seized, suspended, or revoked~~ pursuant to a tribal law or regulation that requires alcohol or drug testing of motor vehicle operators."

Section 30. Section 61-8-1032, MCA, is amended to read:

"61-8-1032. Mandatory suspension of license following certain implied consent action. (1) The department shall suspend an individual's driver license if the department receives a report for an implied consent violation from law enforcement or another reporting jurisdiction that, pursuant to 61-8-1016, an individual has refused a test or tests of the person's blood, breath, oral fluid, urine, or other bodily substance for

determining any measured amount or detected presence of alcohol or drugs in the person's body.

(2) (a) Except as permitted by law, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended may not have the license or privilege renewed or restored until the revocation or suspension duration has been completed.

(b) The department shall apply the appropriate sanction to the driver based on the reported conviction and prior offenses.

(c) The driver shall pay all reinstatement and administrative fees owed to the department before a driver's license or privilege to drive is restored.

(d) The duration of the suspension commences from the date of violation.

(e) If a person refuses tests for the same incident, the department may not consider each a separate refusal for purposes of suspension.

(f) The department may not issue a probationary license during the suspension issued under this part.

(3) (a) A person who has an implied consent violation shall pay the department an administrative fee of \$300, which must be deposited in the state special revenue account established pursuant to subsection (3)(b).

(b) There is a blood-draw search warrant processing account in the state special revenue fund established pursuant to 17-2-102(1)(b). Money provided to the department of justice pursuant to this subsection (3) must be deposited in the account and may be used only for providing forensic analysis of a driver's blood or breath to determine the presence of alcohol or drugs.

(4) (a) Upon receiving a report of an implied consent violation, the department shall:

(i) for a first violation, suspend the driver's license or driving privilege for 6 months with no provision for a restricted probationary license; or

(ii) for a second or subsequent violation within 5 years of a previous refusal, as determined from the records of the department, suspend the driver's license or driving privilege for 1 year with no provision for a restricted probationary license.

(b) If a person who refuses to submit to one or more tests under this section is the holder of a commercial driver's license, in addition to any action taken against the driver's noncommercial driving

privileges, the department shall:

(i) upon a first refusal, suspend the person's commercial driver's license for 1 year; and

(ii) upon a second or subsequent refusal, suspend the person's commercial driver's license for life, subject to department rules adopted to implement federal rules allowing for license reinstatement, if the person is otherwise eligible, upon completion of a minimum suspension period of 10 years. If the person has a prior conviction of a major offense listed in 61-8-802(2) arising from a separate incident, the conviction has the same effect as a previous testing refusal.

~~(5) — A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.~~

~~(6) — The department may recognize the seizure of a license of a tribal member by a peace officer acting under the authority of a tribal government or an order issued by a tribal court suspending, revoking, or reinstating a license or adjudicating a license seizure if the actions are conducted pursuant to tribal law or regulation requiring alcohol or drug testing of motor vehicle operators and the conduct giving rise to the actions occurred within the exterior boundaries of a federally recognized Indian reservation in this state. Action by the department under this subsection is not reviewable under 61-8-1017."~~

Section 31. Section 61-12-501, MCA, is amended to read:

"61-12-501. Authority of department to issue identification cards -- lawful presence verification.

(1) The department may issue an identification card to any person who ~~maintains a residence in this state~~ provides acceptable documentation of Montana residency and whose presence in the United States is authorized under federal law.

(2) When an applicant who is not a citizen of the United States applies for an identification card, the department shall verify that the applicant is lawfully present in the United States by using the federal systematic alien verification for entitlements program.

(3) A person may only have one nonvoided driver's license or identification card issued by the department at any time.

(4) As used in this section, "identification card" and "driver's license" include a digital credential."

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