

## HOUSE BILL NO. 559

INTRODUCED BY GALLUS, BERGREN, R. BROWN, BRUEGGEMAN, FORRESTER, FRANKLIN, GALLIK,  
JACOBSON, KAUFMANN, KEANE, LENHART, NEWMAN, PARKER, B. RYAN, SMITH, WILSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS RELATING TO REGISTRATION OF CERTAIN MOTOR VEHICLES, MOTOR BOATS, SAILBOATS, PERSONAL WATERCRAFT, AND SNOWMOBILES; PROVIDING FOR A REGISTRATION DECAL AS EVIDENCE OF PAYMENT OF FEES IMPOSED FOR A VEHICLE OR VESSEL REGISTRATION PERIOD; PRESCRIBING PLACEMENT OF THE REGISTRATION DECAL; SIMPLIFYING THE FEES IN LIEU OF TAX IMPOSED ON BOATS AND CERTAIN OTHER WATERCRAFT, SNOWMOBILES, OFF-HIGHWAY VEHICLES, TRAVEL TRAILERS AND CERTAIN OTHER TRAILERS, AND MOTORCYCLES AND QUADRICYCLES; CHANGING FROM ANNUAL TO ONE-TIME-ONLY THE REGISTRATION, LICENSING, AND IMPOSITION OF THE FEE IN LIEU OF TAX AND CERTAIN OTHER FEES PAYABLE ON CERTAIN BOATS AND OTHER WATERCRAFT, SNOWMOBILES, OFF-HIGHWAY VEHICLES, TRAVEL TRAILERS AND CERTAIN OTHER TRAILERS, AND MOTORCYCLES AND QUADRICYCLES; ELIMINATING THE FEE IN LIEU OF TAX ON CERTAIN WATERCRAFT; ELIMINATING THE REGISTRATION OF AND VARIOUS FEES PAYABLE ON CAMPERS; ~~REQUIRING THE PERMANENT REGISTRATION OF A LIGHT VEHICLE THAT IS 11 YEARS OLD OR OLDER OTHER THAN VEHICLES WITH COLLEGIATE OR SPECIALTY LICENSE PLATES; INCREASING FEES FOR ANNUALLY REGISTERED MOTOR VEHICLES; REVISING THE FEES APPLICABLE TO A PERMANENT REGISTRATION; REVISING THE ALLOCATION OF THE FEES FOR PERMANENTLY REGISTERED VEHICLES;~~ AMENDING SECTIONS 15-1-122, 15-16-202, 23-2-502, 23-2-510, 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-515, ~~23-2-520, 23-2-516, 23-2-517, 23-2-518, 23-2-519, 23-2-601, 23-2-612, 23-2-614, 23-2-616, 23-2-617, 23-2-618, 23-2-620, 23-2-626, 23-2-642, 23-2-803, 23-2-804, 23-2-807, 23-2-809, 23-2-817, 61-1-129, 61-3-303, 61-3-311, 61-3-312, 61-3-313, 61-3-315, 61-3-317, 61-3-321, 61-3-332, 61-3-333, 61-3-463, 61-3-474, 61-3-519, 61-3-521, 61-3-523, 61-3-524, 61-3-525, 61-3-526, AND 61-3-527, 61-3-530, 61-3-535, 61-3-560, 61-3-561, 61-3-562, AND 61-3-570, MCA; REPEALING SECTIONS 23-2-520, 23-2-618, 23-2-620, 23-2-810, 61-3-519, 61-3-524, 61-3-525, AND 61-3-606, MCA;~~ AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Registration decal.** "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, as defined in 61-1-102, 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.

**Section 2.** Section 15-1-122, MCA, is amended to read:

**"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) \$75,000 in fiscal year 2003;

(b) \$2,960,715 in fiscal year 2004; and

(c) in each succeeding fiscal year, the amount in subsection (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For ~~fiscal year 2002 and for~~ each succeeding fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW ~~THAT IS~~ registered for licensing pursuant to Title 61, chapter 3, part 3, ~~AND BEGINNING IN FISCAL YEAR 2007, \$4 \$5 FOR EACH PERMANENTLY REGISTERED LIGHT VEHICLE.~~ Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 ~~IN FISCAL YEAR 2006 AND, IN EACH SUBSEQUENT YEAR, \$3 \$2.75~~ for each off-highway vehicle ~~subject to payment of~~ FOR WHICH the fee in lieu of tax IS PAID, as provided for in 23-2-803; and

(ii) FOR VEHICLES REGISTERED OR REREGISTERED PURSUANT TO 61-3-321:

(A) \$1.50 for each REGISTERED light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles VEHICLE weighing more than 1 ton, AND MOTOR HOME; AND

(B) \$1.50 IN FISCAL YEAR 2006 AND, IN EACH SUBSEQUENT YEAR, ~~\$3~~ \$3.65 FOR EACH motorcycle; AND quadricycle, and motor home subject to registration or reregistration pursuant to 61-3-321; AND

(C) BEGINNING IN FISCAL YEAR 2007, ~~\$6~~ \$7.50 FOR EACH PERMANENTLY REGISTERED LIGHT VEHICLE;

(c) to the department of fish, wildlife, and parks:

(i) \$2.50 IN FISCAL YEAR 2006 AND, IN EACH SUBSEQUENT YEAR, \$14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) \$5 IN FISCAL YEAR 2006 AND, IN EACH SUBSEQUENT YEAR, \$19 for each snowmobile registered under 23-2-616, with ~~\$2.50~~ 50% OF THE AMOUNT to be used for enforcing the purposes of 23-2-601 through 23-2-644 and ~~\$2.50~~ 50% OF THE AMOUNT designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;

(iv) \$5 IN FISCAL YEAR 2006 AND, IN EACH SUBSEQUENT YEAR, \$13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 IN FISCAL YEAR 2006 AND, IN EACH SUBSEQUENT YEAR, \$8 for each recreational vehicle, ~~camper~~, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 ~~or 61-3-524~~; and

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h) AND, BEGINNING IN FISCAL YEAR 2007, 20 CENTS FOR EACH LIGHT VEHICLE SUBJECT TO REGISTRATION OR REREGISTRATION PURSUANT TO 61-3-321;

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents FOR FISCAL YEAR 2006 AND 50 CENTS IN EACH SUBSEQUENT YEAR for each motor vehicle registered, other than:

(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) VEHICLES REGISTERED UNDER 61-3-527, 61-3-530, AND 61-3-562; AND

(f) 25 cents a year for each REGISTERED vehicle AND, BEGINNING IN FISCAL YEAR 2007, \$1.25 FOR EACH

PERMANENTLY REGISTERED VEHICLE subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

~~(4)~~ For fiscal year 2002, there is transferred from the state general fund to the state special revenue fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in lieu of the amount deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001.

~~(5)~~(4) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). THE DEPARTMENT OF JUSTICE SHALL PROVIDE A SEPARATE COUNT OF VEHICLES THAT ARE PERMANENTLY REGISTERED PURSUANT TO 61-3-562. A PERMANENTLY REGISTERED VEHICLE MAY BE INCLUDED IN VEHICLE COUNTS ONLY IN THE YEAR IN WHICH THE VEHICLE IS REGISTERED OR REREGISTERED. Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. VEHICLES THAT ARE PERMANENTLY REGISTERED MAY BE INCLUDED IN VEHICLE COUNTS ONLY IN THE YEAR IN WHICH THE VEHICLES ARE REGISTERED BY NEW OWNERS.

~~(6)~~(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

**Section 3.** Section 15-16-202, MCA, is amended to read:

**"15-16-202. Boats, snowmobiles, and motor vehicles -- payment of current and back fees.** (1) The fee in lieu of personal property taxes assessed against a ~~boat~~ MOTORBOAT, SAILBOAT, OR PERSONAL WATERCRAFT DESCRIBED IN 23-2-517 for the year in which application for ~~decals~~ a registration decal is made ~~and the immediately previous year~~ must be paid before ~~license decals~~ the registration decal may be issued pursuant to 23-2-515.

(2) The fee in lieu of tax imposed on a snowmobile for the year in which application for registration is made ~~and the immediately previous year~~ must be paid before a snowmobile may be registered pursuant to 23-2-616.

(3) (A) Except for mobile homes and manufactured homes as defined in 15-1-101 AND EXCEPT AS PROVIDED IN SUBSECTION (3)(B) OF THIS SECTION, the light vehicle registration fee or fee in lieu of tax imposed ~~or assessed~~ against a motor vehicle for the current year and the immediately previous year must be paid before a motor vehicle may be registered or reregistered pursuant to 61-3-303.

(B) THE VEHICLE REGISTRATION FEES OR FEE IN LIEU OF TAX IMPOSED AGAINST A MOTOR VEHICLE DESCRIBED IN 61-3-303(6) MUST BE PAID BEFORE A MOTOR VEHICLE MAY BE REGISTERED PURSUANT TO 61-3-303.

(4) The provisions of subsections (1) ~~through~~ AND (3)~~(A)~~ do not require payment of the immediately previous year's fees if the fees have already been paid."

**Section 4.** Section 23-2-502, MCA, is amended to read:

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

(1) "Certificate of number" means the certificate issued ~~annually~~ by the county treasurer to the owner of a motorboat or by the department of justice to dealers or manufacturers, assigning ~~such~~ the motorboat an identifying number and containing ~~such~~ other information as required BY THE DEPARTMENT OF JUSTICE.

(2) "Certificate of ownership" means a certificate issued by the department of justice identifying the owner of a motorboat or sailboat 12 feet in length or longer.

(3) "Dealer" means ~~any~~ a person who engages in whole or in part in the business of buying, selling, or exchanging new and unused vessels or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.

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

(5) "Documented vessel" means a vessel ~~which~~ that has and is required to have a valid marine document as a vessel of the United States.

(6) "Identifying number" means the boat number set forth in the certificate of number and properly displayed on the motorboat.

~~(7) "License decals" means the serially numbered license stickers issued annually by the county treasurer and displayed as required by law.~~

~~(8)~~(7) "Lienholder" means a person holding a security interest.

~~(9)~~(8) "Manufacturer" means ~~any~~ a person engaged in the business of manufacturing or importing new and unused vessels or new and unused outboard motors for the purpose of sale or trade.

~~(10)~~(9) (a) "Motorboat" means ~~any~~ a vessel, including a ~~canoe, kayak, personal watercraft, rubber raft,~~ or pontoon, propelled by any machinery, motor, or engine of any description, whether or not ~~such~~ the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines, ~~but~~

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

~~(11)~~(10) "Operate" means to navigate or otherwise use a motorboat or a vessel.

~~(12)~~(11) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

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

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

~~(14)~~(13) "Passenger" means ~~every a~~ EACH person carried on board a vessel other than:

(a) the owner or ~~his~~ the owner's representative;

(b) the operator;

(c) bona fide members of the crew engaged in the business of the vessel who have not contributed ~~no~~ any consideration for their carriage and who are paid for their services; or

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

~~(15)~~(14) "Person" means an individual, partnership, firm, corporation, association, or other entity.

~~(16)~~(15) "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.

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

(17) (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.

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

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

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

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

(20) "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.

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

**Section 5.** Section 23-2-510, MCA, is amended to read:

**"23-2-510. Transfer of interest.** (1) Except as provided in subsection (3), upon a transfer of a certificate of ownership to a motorboat or sailboat 12 feet in length or longer registered as required under the provisions of this part, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the motorboat or sailboat in the appropriate space provided on the reverse side of the certificate, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 30 calendar days after endorsement, the transferee shall ~~make application~~ apply for a transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and ~~also make application~~ apply for registration of the motorboat or sailboat. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until any outstanding certificate is surrendered to the department or its loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, which must be forwarded to the department of justice for deposit in the general fund.

(3) A purchaser of a new or used motorboat or sailboat 12 feet in length or longer from a licensed dealer has a grace period of 30 calendar days from the date of purchase to register the motorboat or sailboat, ~~make application~~ apply for a certificate of ownership, and obtain a registration decal ~~indicating that the fee in lieu of property tax has been paid on the vessel for the current year~~. It is not a violation of this part or any other law for the purchaser to operate a newly acquired motorboat or sailboat 12 feet in length or longer without a certificate of ownership, certificate of registration, and registration decal during the 30-day grace period. During this period the sticker provided for in subsection (4) must remain affixed to the motorboat or sailboat.

(4) Prior to the delivery of a motorboat or sailboat 12 feet in length or longer to the purchaser, the dealer shall issue and affix to a motorboat or sailboat constructed after October 31, 1972, a sticker as prescribed by the department of justice. The sticker must contain the name and address of the purchaser, the date of sale, the

name and address of the dealer, and a description of the motorboat or sailboat, including its serial number. The dealer shall keep a copy of the sticker for the dealer's records and shall send a copy of the sticker to the department of justice.

(5) A purchaser of a new or used motorboat or sailboat who is unable to record a transfer of ownership with the county treasurer ~~at the time of making an application~~ when applying for registration of the motorboat or sailboat because the certificate of ownership is lost, in the possession of a third parties party, or in the process of reissuance in this state or elsewhere may, upon making affidavit to that effect upon a form prescribed by the department of justice and upon the payment of the applicable fee in lieu of tax plus a fee of \$2 to be collected by the county treasurer and remitted to the department of justice for deposit in the general fund, obtain from the county treasurer of the county in which the boat is to be registered a temporary boat sticker. The sticker must be of a size, color, and design as prescribed by the department of justice ~~may prescribe, to and~~ be validated by the county treasurer for a period of 60 days from the date of issuance. The purchaser, upon displaying the sticker conspicuously on the motorboat or sailboat, may operate the motorboat or sailboat during the period for which the boat sticker has been validated without displaying the numbers and license registration decal for the current year. The county treasurer may not sell, and a person may not purchase, more than one 60-day temporary boat sticker for any motorboat or sailboat, the ownership of which has not changed since the issuance of the previous 60-day boat sticker.

(6) The provisions of subsection (2) do not apply ~~in the event of~~ if the transfer of a motorboat or sailboat 12 feet in length or longer is to a licensed dealer ~~intending~~ who intends to resell the motorboat or sailboat and who operates it only for demonstration purposes, ~~but~~. However, a dealer, upon transferring the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of this part. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(7) ~~When~~ If the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(8) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to ~~any~~ a certificate of ownership transferred under this section."

**Section 6.** Section 23-2-511, MCA, is amended to read:



**"23-2-511. Operation of unnumbered motorboats prohibited -- display of ~~decals~~ registration decal.**

(1) ~~Every~~ A motorboat on the waters of this state, propelled by a motor or an engine of any description, must be properly numbered and display a valid license ~~decals~~ registration decal. ~~No~~ A person may not operate or give permission for the operation of any motorboat on ~~such~~ the waters of this state unless the motorboat is numbered and displays a valid license ~~decals~~ registration decal in accordance with this part, ~~with and~~ and applicable federal law; or with a federally approved numbering system of another state and unless:

- (a) the certificate of number assigned to the motorboat is in ~~full force and~~ effect;
- (b) the identifying number set forth in the certificate of number and the valid license decals are displayed on ~~such~~ the motorboat; and
- (c) a temporary permit has been obtained from the county in which the boat is being operated if that county requires a temporary permit for out-of-state motorboats, as provided in 7-16-2121.

(2) Upon transfer of ownership of a motorboat from a registered boat dealer or manufacturer, the transferred motorboat may be operated on the waters of this state for 30 consecutive calendar days immediately following the transfer of ownership without displaying the numbers and license registration decal required by subsection (1) ~~provided that~~ if when the motorboat is operated during those 30 consecutive calendar days, a bill of sale or other evidence of transfer reciting the date of the transfer of ownership is retained in the motorboat and is exhibited to a warden or other officer upon request."

**Section 7.** Section 23-2-512, MCA, is amended to read:

**"23-2-512. Identification number.** (1) The owner of each motorboat, sailboat, or personal watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal watercraft and be accompanied by a fee of \$3.50 IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, \$15.50. Any alteration, change, or false statement contained in the application ~~will render~~ renders the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner.

(2) The applicant, upon the filing of the application, shall pay to the county treasurer the fee in lieu of tax required UNDER 23-2-517 for a motorboat 10 feet in length or longer, a sailboat 12 feet in length or longer, or a personal watercraft ~~for the current year of certification~~ before the application for certification or, IF APPLICABLE,

recertification may be accepted by the county treasurer.

(3) If the ownership of a motorboat, sailboat, or personal watercraft changes, a new application form with the certification fee must be filed within a reasonable time with the county treasurer and a new certificate of number assigned in the same manner as provided for in an original assignment of number.

(4) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

(5) ~~Every~~ A certificate of number and ~~the license decals assigned a registration decal issued~~ under this part ~~continue in effect~~ are effective for a period not to exceed 1 year unless terminated or discontinued in accordance with the provisions of this part. ~~Certificates~~ The certificate of number and license decals the registration decal must show the date of expiration and may be renewed by the owner in the same manner as provided for in the initial securing of the certificate.

~~(6) Certificates~~ A certificate of number expires on December 31 of each year and may not be in effect is not effective unless renewed under this part.

~~(7)~~(6) ~~In the event of a transfer of~~ If ownership is transferred, the purchaser shall ~~furnish~~ notify the county treasurer ~~notice~~ within a reasonable time of the acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

~~(8)~~(7) A holder of a certificate of number shall notify the county treasurer within a reasonable time if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the county treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

~~(9)~~(8) (a) The number assigned must be painted ~~on~~ or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and

legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than those used in connection with the identifying number issued may not be placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat, or personal watercraft by its identifying number may not be carried in a manner that interferes with the motorboat's, sailboat's, or personal watercraft's identification. A number other than the number ~~and license decal~~ assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft. A registration decal issued under this part must be placed next to the identifying number located on the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft.

(b) The certificate of number must be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

~~(10)(9)~~ Fees, other than the fee in lieu of tax, collected under this section must be transmitted to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.

~~(11)(10)~~ An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the owner's name ~~when~~ if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of the United States."

**Section 8.** Section 23-2-513, MCA, is amended to read:

**"23-2-513. Dealer's identification number -- premises -- inspection -- bond -- judgment.** (1) A dealer or manufacturer may apply directly to the department of justice for one identifying number and one or more certificates of number. A dealer's or manufacturer's identifying number ~~shall~~ must be displayed on ~~his~~ the ~~A dealer's or manufacturer's~~ boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer or manufacturer.

(2) The application for a dealer's or manufacturer's identifying number must include ~~his~~ the dealer's or manufacturer's name and business address. Each dealer or manufacturer ~~will~~ must have one identifying number assigned to ~~his~~ the dealer's or manufacturer's business.

(3) An application for a dealer's or manufacturer's identifying number and a certificate of number must be accompanied by the following fees:

- (a) for the identifying number, first certificate of number, and ~~set of license decals~~ registration decal, \$5;
- (b) for each additional certificate of number and ~~set of license decals~~ registration decal applied for in any application, \$2.

(4) The department of justice shall issue certificates of number for the identifying ~~numbers~~ number assigned to a dealer or manufacturer in the same manner as provided in 23-2-512(1) and ~~(9) (8), as amended,~~ except that ~~no~~ a boat may not be described in ~~the~~ a certificate and each certificate must state that the identifying number has been assigned to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on December 31 of the year for which it is issued.

(5) A dealer's or manufacturer's identifying number ~~shall~~ must be displayed in the same manner as provided in 23-2-512~~(9)(8), as amended,~~ except that the number may be temporarily attached. The last three letters ~~shall~~ must be "DLR" for dealer and "MFR" for manufacturer. These letters ~~shall~~ must be included, respectively, in dealer or manufacturer identification numbers ~~only~~.

(6) ~~No~~ A person other than a dealer or manufacturer or an employee of a dealer or manufacturer may not display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

(7) ~~No~~ A dealer or manufacturer or employee of a dealer or manufacturer may not use a dealer's or manufacturer's identifying number for any purpose other than the purpose described in subsection (1) ~~of this section~~.

(8) A dealer shall maintain a principal place of business, coinciding with the business address listed on the application, where ~~he the dealer maintains~~ all business records ARE MAINTAINED and ~~where he~~ WHERE THE DEALER displays, sells, and services merchandise. The dealer shall display a sign at the place of business that clearly states the name of the business. The premises of the dealer's principal place of business must be inspected by an official of the department of justice to ~~assure~~ ensure compliance with this section.

(9) ~~In order to~~ To qualify for renewal of a boat dealer's license, the dealer shall certify to the department of justice upon application for renewal that ~~he the dealer~~ sold five or more boats during the previous license year. If five or more boats were not sold, an additional fee of \$50 is required for renewal of the dealer's license.

(10) (a) The applicant for a boat dealer's license shall file with ~~his~~ the application a bond of \$5,000. The bond must be conditioned that the applicant ~~shall~~ will conduct ~~his~~ business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department of justice and filed in its office, and must be renewed annually.

(b) A person who suffers loss or damage ~~due to~~ because of the unlawful conduct of a dealer licensed under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. The judgment must determine a specific loss or damage amount and conclude that the licensee's unlawful operation caused the loss or damage before payment on the bond is required."

**Section 9.** Section 23-2-514, MCA, is amended to read:

**"23-2-514. Exemption from numbering provisions.** A motorboat is not required to be numbered under this part if it is:

(1) covered by a number in ~~full force and effect~~ that has been assigned to it pursuant to federal law or a federally approved numbering system of another state, ~~provided that such vessel shall~~ if the motorboat has not ~~have~~ been within this state for a period in excess of 90 consecutive days. After 90 consecutive days within this state, this state becomes the motorboat's state of principal use and the owner must apply for a Montana number, certificate of number, and ~~license~~ registration decal.

(2) a motorboat from a country other than the United States temporarily using the waters of this state;

(3) a motorboat whose owner is the United States, a state, or a subdivision thereof of a state; ~~or~~

(4) a ship's lifeboat."

**Section 10.** Section 23-2-515, MCA, is amended to read:

**"23-2-515. License ~~decals~~ Registration decal to be displayed.** (1) Every A Montana motorboat, sailboat, or personal watercraft numbered in accordance with the provisions of 23-2-512 or 23-2-513 ~~shall be required to~~ must display ~~license decals~~ a registration decal. For this purpose the county treasurer, upon proof of payment of the fee in lieu of tax as required by 15-16-202 for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, or personal watercraft, shall issue a ~~pair of decals~~ registration decal prepared and furnished by the department of justice with all new certificates of number and, IF APPLICABLE, ALL ~~renewals thereof~~ of the certificates of number.

(2) (A) The ~~decals shall~~ registration decal must be of a style and design prescribed by the department of justice and shall EACH YEAR ~~must be a color differing from the preceding year~~.

~~(B) The license decal will~~ registration decal must be serially numbered ~~and have the expiration date of December 31 of the appropriate year printed thereon on the decal.~~

~~(C) THE REGISTRATION DECALS ISSUED FOR A MOTORBOAT OR SAILBOAT DO NOT EXPIRE WHILE THE MOTORBOAT OR SAILBOAT REMAINS IN THE SAME OWNERSHIP.~~

~~(3) License decals shall~~ A registration decal must be displayed ~~only in the following manner: one valid license decal on each~~ on the left side of the forward half, 3 inches aft of the identifying numbers."

~~Section 11. Section 23-2-520, MCA, is amended to read:~~

~~"23-2-520. Mail renewal and recertification. The mail renewal procedure developed by the department of justice pursuant to 61-3-535 may be used for mail recertification of boats, the renewal of license decals a registration decal, and the payment of the fee in lieu of tax."~~

SECTION 11. SECTION 23-2-516, MCA, IS AMENDED TO READ:

**"23-2-516. Fee in lieu of tax for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons. (1)**

(a) There is a fee in lieu of property tax as prescribed in 23-2-517 imposed on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts,~~ and motorized pontoons.

(b) The fee is in addition to the ~~annual~~ fee required by 23-2-512 for filing of the application for a certificate of number and is a one-time fee.

(2) The fee imposed by subsection (1) need not be paid by a dealer for motorboats, sailboats, personal watercraft, ~~motorized canoes, motorized rubber rafts,~~ or motorized pontoons that constitute inventory of the dealership."

SECTION 12. SECTION 23-2-517, MCA, IS AMENDED TO READ:

**"23-2-517. Fees for motorboats, sailboats, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons. (1)** The owner of a motorboat 10 feet in length or longer, ~~or a sailboat 12 feet in length or longer, a personal watercraft, or a motorized pontoon~~ shall pay a fee ~~based on the length and age of the motorboat or sailboat~~ as follows:

(a) ~~The~~ Regardless of the vessel's age, the fee schedule for a motorboat at least 10 feet in length but less than ~~44~~ 16 feet in length, ~~or a sailboat at least 12 feet in length but less than 44~~ 16 feet in length, a personal

watercraft less than 16 feet in length, or a motorized pontoon less than 16 feet in length is as follows:

- ~~———— (i) for a motorboat or sailboat less than 5 years of age, \$7.50;~~
- ~~———— (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$5.65; and~~
- ~~———— (iii) for a motorboat or sailboat 10 years of age or older, \$3.75~~ \$25 in calendar year 2004 and, in each subsequent year, \$50 and, except as provided in subsection (2), is a one-time fee.

(b) The ~~Regardless of the vessel's age, the fee schedule for a motorboat or sailboat at least 44~~ 16 feet in length but less than ~~46~~ 19 feet in length, a personal watercraft 16 feet in length or longer, or a motorized pontoon 16 feet in length or longer is as follows:

- ~~———— (i) for a motorboat or sailboat less than 5 years of age, \$15;~~
- ~~———— (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$11.25; and~~
- ~~———— (iii) for a motorboat or sailboat 10 years of age or older, \$7.50.~~
- ~~———— (c) The fee schedule for a motorboat or sailboat at least 16 feet in length but less than 17 feet in length is as follows:~~

- ~~———— (i) for a motorboat or sailboat less than 5 years of age, \$32;~~
- ~~———— (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$24; and~~
- ~~———— (iii) for a motorboat or sailboat 10 years of age or older, \$16.~~
- ~~———— (d) The fee schedule for a motorboat or sailboat at least 17 feet in length but less than 19 feet in length is as follows:~~

- ~~———— (i) for a motorboat or sailboat less than 5 years of age, \$3 a foot or fraction of a foot;~~
- ~~———— (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$2.25 a foot or fraction of a foot; and~~
- ~~———— (iii) for a motorboat or sailboat 10 years of age or older, \$1.50 a foot or fraction of a foot~~ \$55 in calendar year 2004 and, in each subsequent year, \$110 and, except as provided in subsection (2), is a one-time fee.

~~(e)~~(c) The fee schedule for a motorboat or sailboat 19 feet in length or longer is as follows:

- ~~———— (i) for a motorboat or sailboat less than 5 years of age, \$4 a foot or fraction of a foot;~~
- ~~———— (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$3 a foot or fraction of a foot; and~~
- ~~———— (iii) for a motorboat or sailboat 10 years of age or older, \$2 a foot or fraction of a foot~~ \$140 in calendar year 2004 and, EXCEPT AS PROVIDED IN SUBSECTION (2), in each subsequent year, \$280.

(2) The owner of a personal watercraft shall pay a fee based on the age of the watercraft as follows:

- ~~———— (a) The fee for a personal watercraft less than 4 years of age is \$22.~~

- ~~\_\_\_\_\_ (b) The fee for a personal watercraft 4 years of age or older is \$15.~~
- ~~\_\_\_\_\_ (3) (a) Except as provided in subsection (3)(b) (2)(b), the age of a motorboat, sailboat, or personal watercraft is determined by subtracting the manufacturer's designated model year from the current calendar year.~~
- ~~\_\_\_\_\_ (b) If the purchase year of a motorboat, sailboat, or personal watercraft precedes the designated model year of the motorboat, sailboat, or personal watercraft and the motorboat, sailboat, or personal watercraft is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~
- ~~(4) The fee for a motorized canoe or a motorized rubber raft is \$7.50, regardless of its length or age.~~
- ~~\_\_\_\_\_ (5) The fee for a motorized pontoon is \$20, regardless of its length or age.~~
- (2) Whenever a transfer of ownership of a vessel described in subsection (1) occurs, the one-time fee required under subsection (1) must be paid by the new owner."

**SECTION 13. SECTION 23-2-518, MCA, IS AMENDED TO READ:**

**"23-2-518. (Temporary) Disposition of fees in lieu of tax.** The county treasurer shall transfer all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts,~~ and motorized pontoons pursuant to 23-2-516 and 23-2-517 to the state general fund. (Terminates June 30, 2006--secs. 2, 3, Ch. 95, L. 2001.)

**23-2-518. (Effective July 1, 2006) Disposition of fees in lieu of tax.** The county treasurer shall transfer all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts,~~ and motorized pontoons pursuant to 23-2-516 and 23-2-517 to the state general fund."

**SECTION 14. SECTION 23-2-519, MCA, IS AMENDED TO READ:**

**"23-2-519. (Temporary) Penalty -- disposition.** (1) Failure to pay the fee in lieu of tax as provided for in 23-2-517 is a misdemeanor, punishable by a fine equal to four times the fee in lieu of tax that is due on the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the



enforcement of this part. (Terminates June 30, 2006--sec. 4, Ch. 95, L. 2001.)

**23-2-519. (Effective July 1, 2006) Penalty -- disposition.** (1) Failure to pay the fee in lieu of tax as provided for in 23-2-517 is a misdemeanor, punishable by a fine equal to five times the fee in lieu of tax that is due on the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part."

**Section 15.** Section 23-2-601, MCA, is amended to read:

**"23-2-601. Definition of terms.** As used in 23-2-601 through 23-2-644, the following terms ~~shall~~ have the meanings indicated ~~herein~~, unless the context otherwise clearly requires that another meaning is intended:

(1) "Certificate of ownership" means the document issued by the department of justice as prima facie evidence of ownership.

(2) "Certificate of registration" means the owner's receipt evidencing payment of ~~taxes, decal fees, and registration fees for a given registration year~~ DUE IN ORDER FOR THE SNOWMOBILE TO BE VALIDLY REGISTERED.

(3) "dbA" means sound pressure level measured on the "A" weight scale in decibels.

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

(5) "New snowmobile" means ~~any a~~ snowmobile that has not been previously sold to an owner, ~~as defined in subsection (7).~~

(6) "Operator" ~~includes every means a~~ INCLUDES EACH person who operates or is in actual physical control of the operation of a snowmobile.

(7) "Owner" ~~includes every means a~~ INCLUDES EACH person ~~as defined herein~~, other than a lienholder or other person having a security interest only, holding a certificate of ownership to a snowmobile and entitled to the use or possession ~~thereof~~ of the snowmobile.

(8) "Person" ~~includes means~~ means an individual, partnership, association, corporation, and any other body or group of persons, whether incorporated or not and regardless of the degree of formal organization.

(9) "Registration decal" means an adhesive sticker produced and issued by the department of justice, its authorized agent, or a county treasurer to the owner of a snowmobile as proof of payment of all fees imposed

for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

~~(9)(10)~~ "Roadway" ~~includes~~ means only those portions of ~~any~~ a highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

~~(10)(11)~~ "Snowmobile" ~~includes any~~ means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed primarily for travel on snow or ice, which may be steered by skis or runners and which is not otherwise registered or licensed under the laws of the state of Montana."

**Section 16.** Section 23-2-612, MCA, is amended to read:

**"23-2-612. Transfer of interest.** (1) Except as provided in subsection (3), upon a transfer of ~~any~~ a certificate of ownership to a snowmobile registered as required under the provisions of 23-2-601 through 23-2-644, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the snowmobile in the appropriate space provided upon the reverse side of the certificate, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 20 calendar days after endorsement, the transferee shall ~~make application~~ apply for a transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and also ~~make application~~ apply for registration of the snowmobile. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until the outstanding certificates are surrendered to that office or their loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, which must be forwarded to the department of justice for deposit in the STATE general fund.

(3) A purchaser of a new or used snowmobile from a licensed snowmobile dealer has a grace period of 20 calendar days from the date of purchase to register the snowmobile, ~~make application~~ apply for a certificate of ownership, and obtain a registration decal indicating that the fee in lieu of property tax has been paid on the snowmobile ~~for the current year~~. It is not a violation of 23-2-601 through 23-2-644 or any other law for the purchaser to operate a newly acquired snowmobile without a certificate of ownership, a certificate of registration, and a registration decal during the 20-day period. During this period, the sticker provided for in subsection (4) must remain affixed to the snowmobile.

(4) Prior to the delivery of the snowmobile to the purchaser, the dealer shall issue and affix to the snowmobile a sticker (in a form to be prescribed by the department of justice). The sticker ~~shall~~ must contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of

the snowmobile, including its serial number. The dealer shall keep a copy of the sticker for the dealer's records and shall send a copy of the sticker to the department of justice.

(5) The provisions of subsection (2) do not apply ~~in the event of~~ to the transfer of a snowmobile to a licensed snowmobile dealer who is intending to resell the snowmobile and who operates it only for demonstration purposes, ~~but~~ However, a dealer, upon transferring the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of 23-2-601 through 23-2-644. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(6) ~~When~~ If the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(7) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to ~~any~~ a certificate of ownership transferred under this section."

**Section 17.** Section 23-2-614, MCA, is amended to read:

**"23-2-614. Exemptions.** (1) The provisions of 23-2-601 through 23-2-644, with respect to registration, ~~tax-paid~~ registration decals, and certification of ownership, do not apply to snowmobiles owned or used by the United States or another state or ~~any an~~ an agency or political subdivision ~~thereof of the United States or another state~~, ~~any a~~ a snowmobile registered in a country other than the United States and to be temporarily used within this state for a period of not more than 30 days, or to ~~any a~~ a snowmobile registered in another state ~~of the United States~~ but to be temporarily used within this state for not more than 30 days. Snowmobiles owned by the state of Montana or ~~any an~~ an agency or political subdivision ~~thereof of the state~~ are exempt only from the payment of fees and ~~shall~~ must otherwise comply with all the requirements of 23-2-601 through 23-2-644.

(2) The provisions of 23-2-601 through 23-2-644 with respect to registration, ~~tax-paid~~ registration decals, and certification of ownership do not apply to unregistered snowmobiles owned by nonresidents of ~~the state of~~ Montana who either:

- (a) display visual proof that a nonresident temporary-use permit has been purchased; or
- (b) use the snowmobile only in races and for not more than 30 days in the state. "Race" means an organized competition on a predetermined course that is run according to accepted rules."

**Section 18.** Section 23-2-616, MCA, is amended to read:

**"23-2-616. Registration and ~~decals~~ registration decal -- application and issuance -- use of certain fees.** (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person in Montana unless it has been registered and ~~there~~ a registration decal is displayed in a conspicuous place on ~~both sides~~ the left side of the cowl ~~a decal as visual proof that the fee in lieu of property tax has been paid on it for the current year and the immediately previous year as required by 15-16-202.~~

(2) Application for registration must be made to the county treasurer upon forms ~~to be~~ furnished by the department of justice for this purpose, which may be obtained at the county treasurer's office in the county where the owner resides. The application must contain the following information:

- (a) the name and address of the owner;
- (b) the certificate of ownership number;
- (c) the make of the snowmobile;
- (d) the model name of the snowmobile;
- (e) the year of manufacture;
- (f) a statement evidencing payment of the fee in lieu of property tax as required by 15-16-202; and
- (g) other information that the department of justice may require.

(3) The application must be accompanied by a ~~decal-registration~~ registration fee of \$6.50 IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, \$20.50; and, if the snowmobile has previously been registered, by the registration certificate for the most recent year in which the snowmobile was registered. The treasurer shall sign the application and issue a registration receipt that ~~must contain~~ contains information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer ~~for reregistration~~ or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the signed application to the department of justice and shall issue to the applicant a registration decal in the style and design prescribed by the department of justice ~~and~~ EACH YEAR THE DECALS MUST BE of a different color than the preceding year, numbered in sequence.

(5) The county treasurer may not accept any application under this section until the applicant has paid the ~~decal-registration~~ registration fee and the fee in lieu of property tax on the snowmobile ~~for the current year and the immediately previous year~~ as required by 15-16-202.

(6) All money collected from payment of ~~decal-registration~~ registration fees and all interest accruing from use of this money must be forwarded to the department of revenue, as provided in 15-1-504, for deposit in the

state general fund.

(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund.

(8) THE FEE IMPOSED IN SUBSECTION (3) IS A ONE-TIME FEE EXCEPT ON CHANGE OF OWNERSHIP. WHEN OWNERSHIP OF THE SNOWMOBILE CHANGES, THE NEW OWNER MUST PAY THE FEE IN SUBSECTION (3)."

**Section 19.** Section 23-2-617, MCA, is amended to read:

**"23-2-617. Duplicate decal.** ~~In the event any~~ If a registration decal indicating that the fee in lieu of property tax has been paid on a snowmobile for the current year is lost, mutilated, or becomes illegible, the person to whom the ~~same~~ registration decal was issued shall immediately make application for and may obtain a duplicate ~~thereof~~ of the registration decal; upon payment of a fee of \$1 to the county treasurer."

~~Section 17.~~ Section 23-2-618, MCA, is amended to read:

~~"23-2-618. Application for registration and decals~~ registration decal to be made annually ~~-- grace periods.~~ Application must be made annually to the county treasurer for registration and the issuance of a registration decal indicating that the fee in lieu of property tax has been paid for the current year. All registrations and decals. A snowmobile registration and registration decal expire on June 30 of each year."

~~Section 18.~~ Section 23-2-620, MCA, is amended to read:

~~"23-2-620. Mail renewal and recertification reregistration.~~ The mail renewal procedure developed by the department of justice pursuant to 61-3-535 may be used for mail recertification reregistration of snowmobiles, the renewal of license decals issuance of a new registration decal, and the payment of the fee in lieu of tax."

**SECTION 20.** SECTION 23-2-626, MCA, IS AMENDED TO READ:

**"23-2-626. Fee One-time fee in lieu of tax on snowmobiles -- exception.** (1) ~~There~~ Except as provided in subsections (3) and (4), there is a one-time fee in lieu of tax on snowmobiles of \$20 in calendar year 2004 and, in each subsequent year, \$40.

~~(2) The fee for a snowmobile less than 4 years old is \$22. In all other cases the fee is \$15.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a snowmobile is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a snowmobile precedes the designated model year of the snowmobile and the snowmobile is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax:~~

(2) Except as provided in subsection (3), whenever a transfer of ownership of a snowmobile occurs, the fee required under subsection (1) must be paid by the new owner.

~~(4)(3) The fee need not be paid by a dealer for snowmobiles that constitute inventory of the dealership.~~

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

(a) a 1-year fee in lieu of tax of \$20 in the first year of registration; and

(b) if the business reregisters the snowmobile for a second year, the fee in lieu of tax imposed in subsection (1)."

**Section 21.** Section 23-2-642, MCA, is amended to read:

**"23-2-642. Penalties.** (1) The failure to display a current registration decal ~~indicating that the fee in lieu of property tax has been paid on the~~ a snowmobile for the current year during the time provided in 23-2-601 through 23-2-644 is a misdemeanor, punishable by a fine in an amount equal to five times the applicable fee in lieu of tax payable under 23-2-626.

(2) A person who violates any other provision of 23-2-601 through 23-2-644 or a rule adopted pursuant to those sections shall pay a civil penalty of not less than \$15 or more than \$500 for each separate violation. If the violation is willful, the person shall pay a civil penalty of not less than \$50 or more than \$1,000 for each separate violation.

(3) A manufacturer who certifies that a new snowmobile ~~can meet~~ meets the sound level limitations imposed by 23-2-601 through 23-2-644 is subject to the penalty provisions of subsection (2) if ~~any~~ the machine so certified does not meet the appropriate sound level limitation. For the purposes of this section, every sale of a new snowmobile that does not meet the sound level limitations imposed by 23-2-601 through 23-2-644 constitutes a separate violation."

**SECTION 22. SECTION 23-2-803, MCA, IS AMENDED TO READ:**

**"23-2-803. Fee One-time fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees.** (1) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to

the county treasurer of the county in which the owner of the off-highway vehicle resides.

~~(a) The one-time fee for an off-highway vehicle less than 3 years old is \$19. In all other cases the fee is \$9 is \$20 in calendar year 2004 and, in each subsequent year, \$40.~~

~~(b) Except as provided in subsection (1)(c), the age of an off-highway vehicle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(c) If the purchase year of an off-highway vehicle precedes the designated model year of the off-highway vehicle and the off-highway vehicle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(2) Whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under subsection (1) must be paid by the new owner.

~~(2)(3)~~ The county treasurer shall transfer all fees in lieu of tax collected on off-highway vehicles pursuant to this section to the state general fund."

**SECTION 23. SECTION 23-2-804, MCA, IS AMENDED TO READ:**

**"23-2-804. Decal required.** (1) Except as provided in 23-2-802, an off-highway vehicle may not be operated by ~~any~~ a person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid ~~for the current year~~:

(a) (i) the fee in lieu of tax provided for in 23-2-803; and

(ii) the registration fee provided for in 61-3-321; or

(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under 61-3-321, as evidenced by presentation of an owner's certificate of registration and payment receipt.

(2) The decal must be serially numbered ~~and have the expiration date of December 31 of the appropriate year printed on the decal.~~

**SECTION 24. SECTION 23-2-807, MCA, IS AMENDED TO READ:**

**"23-2-807. Penalty -- disposition.** (1) The failure to display a ~~current~~ valid decal indicating that the fee in lieu of tax, registration fees, decal fees, and, when applicable, taxes on licensed vehicles have been paid on the off-highway vehicle ~~for the current year~~, as provided in 23-2-804, is a misdemeanor punishable by a fine of \$50.

(2) All fines collected under this section must be transmitted to the department of revenue for deposit in the state general fund."

**SECTION 25. SECTION 23-2-809, MCA, IS AMENDED TO READ:**

**"23-2-809. Duplicate decal.** If a decal required in 23-2-804 indicating that the off-highway vehicle fee has been paid ~~for the current year~~ is lost, mutilated, or becomes illegible, the person to whom it was issued shall immediately apply for and obtain a duplicate decal upon payment of a fee of \$5 to the county treasurer, who shall distribute the fee as provided in ~~23-2-804(3)~~ 23-2-803."

**SECTION 26. SECTION 23-2-817, MCA, IS AMENDED TO READ:**

**"23-2-817. Registration fee -- application and issuance -- disposition.** (1) Each off-highway vehicle is subject to ~~an annual~~ a registration fee of \$2.

(2) The county treasurer shall collect the ~~annual~~ fee when the fee in lieu of tax is collected.

(3) Application for registration must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The application must contain:

- (a) the name and home mailing address of the owner;
- (b) the certificate of ownership number;
- (c) the name of the manufacturer of the off-highway vehicle;
- (d) the model number or name;
- (e) the year of manufacture;
- (f) a statement evidencing payment of the fee in lieu of property tax; and
- (g) ~~such~~ other information ~~as~~ that the department of justice may require.

(4) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt, ~~which must contain~~ containing the information considered necessary by the department of justice and a listing of the fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer ~~for reregistration~~ or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(5) All registration fees collected must be forwarded to the department of justice and deposited in the state general fund."



**SECTION 27. SECTION 61-1-129, MCA, IS AMENDED TO READ:**

**"61-1-129. Camper.** (1) The term "camper" as used in 61-1-102, ~~61-3-524~~, and ~~61-3-525~~ includes but is not limited to truck camper, chassis-mounted camper, cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

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

**SECTION 28. SECTION 61-3-303, MCA, IS AMENDED TO READ:**

**"61-3-303. Application for registration.** (1) ~~Each~~ An owner of a motor vehicle operated or driven upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided in this section, file in the office of the county treasurer in the county where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned an application for registration or reregistration on a form prescribed by the department. The application must contain:

(a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;

(b) the name and address of the holder of any security interest in the motor vehicle;

(c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated capacity is 1 ton or less, ~~and~~ type of body, ~~and~~; if a truck, the manufacturer's rated capacity;

(d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733;

(e) a space in which the person registering the vehicle may indicate the person's desire to donate \$1 or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts; and

(f) other information that the department may require.

(2) A person who files an application for registration or reregistration of a motor vehicle, except of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall upon the filing of the application pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu

of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of registration and the immediately previous year; and

(c) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts.

(3) The application may not be accepted by the county treasurer unless the payments required by subsection (2) accompany the application. Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) except as provided in subsection (6), the immediately previous preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

(4) The department may make full and complete investigation of the status of the vehicle. An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department.

(5) Revenue that accrues from the voluntary donation provided in subsection (2)(c) must be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(6) (a) Except as provided in subsection (6)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle [OTHER THAN A MOTORCYCLE OR QUADRICYCLE WITH SPECIAL LICENSE PLATES ISSUED UNDER SECTION 1 OF HOUSE BILL NO. 767] or a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this subsection (6)(a) is registered permanently unless ownership of the vehicle is transferred.

(b) Whenever ownership of a vehicle described in subsection (6)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees."

**Section 29.** Section 61-3-311, MCA, is amended to read:

**"61-3-311. Time for making application.** (1)(A) Registration EXCEPT AS PROVIDED IN SUBSECTION (1)(B),

THE REGISTRATION OF A VEHICLE must be renewed annually, and ~~license~~ registration fees must be paid annually.

(B) ONCE REGISTERED, A VEHICLE DESCRIBED IN 61-3-303(6)(A) IS REGISTERED PERMANENTLY UNLESS OWNERSHIP OF THE VEHICLE IS TRANSFERRED. A TRANSFER OF OWNERSHIP OF A VEHICLE DESCRIBED IN 61-3-303(6)(A) REQUIRES THE NEW OWNER TO REGISTER THE VEHICLE AS PROVIDED IN THIS TITLE.

(2) Except as provided in 61-3-313 through 61-3-316, 61-3-318, 61-3-526, and 61-3-560, 61-3-562, 61-3-721, AND SUBSECTION (1)(B) OF THIS SECTION, all registrations expire on December 31 of the year in which they are issued and application for registration or reregistration must be filed with the county treasurer not later than February 15 of each year.

(3) If the ownership of a motor vehicle is transferred during the registration year, the motor vehicle must be reregistered and ~~relicensed~~ as provided by statute."

**Section 30.** Section 61-3-312, MCA, is amended to read:

**"61-3-312. Renewal of registration -- exceptions -- grace period.** (1) Except as provided in 61-3-311(2) AND (3), 61-3-314, 61-3-318, 61-3-526, 61-3-560, 61-3-562, and 61-3-721, a vehicle registration under this chapter expires on December 31 of each year and must be renewed annually upon application and payment of license registration fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year. The certificate of registration is valid only during the registration year for which it is issued.

(2) The owner of a vehicle registered under the provisions of this section may operate the vehicle between January 1 and February 15 without displaying the registration certificate decal of the current year if, during the period, the owner displays upon the vehicle the number plates or plate assigned for the previous year."

**SECTION 31. SECTION 61-3-313, MCA, IS AMENDED TO READ:**

**"61-3-313. Vehicles subject to staggered registration.** For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except:

- (1) vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;
- (2) mobile homes and motor homes;
- (3) vehicles that are registered in accordance with or subject to 61-3-332(10)(c)(i)(A), 61-3-411, or 61-3-421;
- (4) trucks exceeding a 1-ton rated capacity;
- (5) trailers, semitrailers, tractors, and buses, ~~motorcycles, quadricycles, and motor-driven cycles;~~

- (6) special mobile equipment as defined in 61-1-104;
- (7) motor vehicles registered as part of a fleet under 61-3-318; and
- (8) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733."

~~SECTION 32. SECTION 61-3-315, MCA, IS AMENDED TO READ:~~

~~"61-3-315. Reregistration on anniversary date -- department to make rules. (1) A vehicle that has been registered for any of the periods designated in 61-3-314 must be reregistered for the same period on or before the anniversary date of the initial registration unless that period is changed as provided in subsections (2) and (4). The anniversary date for reregistration is the last day of the month for the designated registration period.~~

~~(2) (a) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, may register the motor vehicle for a period not to exceed 24 months. The registration expires on the last day of the 24th month commencing from the date of the designated registration period under 61-3-314 for which the vehicle is registered.~~

~~(b) The owner of a motor vehicle 11 years old or older subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, may shall permanently register the motor vehicle as provided in 61-3-562. The registration remains in effect until ownership of the vehicle is transferred to another person by the registered owner.~~

~~(3) The department shall adopt rules for the implementation and administration of 61-3-313 through 61-3-316 and for the identification of the registration on the vehicles.~~

~~(4) The department shall provide for simultaneous registration of multiple vehicles that have common ownership. The rules must provide for a change of the registration period to coincide with the date an owner desires to register the vehicles."~~

**Section 32.** Section 61-3-317, MCA, is amended to read:

**"61-3-317. New registration required for transferred vehicle -- grace period -- penalty -- display of proof of purchase.** (1) Except as otherwise provided in this section, the new owner of a transferred motor vehicle has a grace period of 20 calendar days from the date of purchase to make application and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year.

(2) THE NEW OWNER OF A VEHICLE DESCRIBED IN 61-3-303(6) SHALL MAKE APPLICATION AND PAY THE REGISTRATION FEES, FEES IN LIEU OF TAX, AND OTHER FEES REQUIRED BY PART 5 OF THIS CHAPTER AND LOCAL OPTION TAXES, IF APPLICABLE, WHETHER OR NOT THE FEES AND TAXES HAVE BEEN PAID PREVIOUSLY.

(3) If the motor vehicle was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the 20-day period, provided that if at all times during that period, a vehicle purchase sticker in a form prescribed and furnished by the department, obtained from the county treasurer or a law enforcement officer as authorized by the department, reciting the date of purchase is clearly displayed in the rear window of the motor vehicle.

(4) Registration and license fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.

(5) Failure to make application within the time provided in this section subjects the purchaser to a penalty of \$10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund."

**Section 33.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles -- certain vehicles exempt from license or registration fees -- disposition of fees.** (1) Registration ~~or license~~ fees must be paid upon registration or, IF APPLICABLE, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, \$13.75 IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, ~~\$19~~ \$17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25~~;~~ FOR A TRAILER OR SEMITRAILER DESCRIBED IN 61-3-530(1), THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF THE TRAILER OR SEMITRAILER.

(c) motor vehicles registered pursuant to 61-3-411 that are:

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

(ii) under 2,850 pounds, \$5;

(d) off-highway vehicles registered pursuant to 23-2-817, \$9~~;~~ IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, \$19.25. THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF AN OFF-HIGHWAY VEHICLE.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of

1 ton, \$18.75 IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, \$24 \$22;

(f) logging trucks less than 1 ton, \$23.75;

(g) motor homes, \$22.25;

(h) motorcycles and quadricycles, \$9.75; [FOR A MOTORCYCLE OR QUADRICYCLE WITH SPECIAL LICENSE PLATES ISSUED UNDER SECTION 1 OF HOUSE BILL NO. 767 AND FOR A MOTORCYCLE OR QUADRICYCLE UNDER ONE-TIME REGISTRATION, \$9.75] IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, \$11.25. THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF A MOTORCYCLE OR QUADRICYCLE.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25; FOR A TRAILER OR SEMITRAILER DESCRIBED IN 61-3-530(1), THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF THE TRAILER OR SEMITRAILER.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25; FOR A TRAILER OR SEMITRAILER DESCRIBED IN 61-3-530(1), THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF THE TRAILER OR SEMITRAILER.

(k) travel trailers, \$11.75; and. THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF A TRAVEL TRAILER.

(l) recreational vehicles, \$3.50 IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, \$9.75. IF THE RECREATIONAL VEHICLE IS A TRAVEL TRAILER, THIS FEE IS A ONE-TIME FEE, EXCEPT UPON TRANSFER OF OWNERSHIP OF A TRAVEL TRAILER.

(2) (A) IF EXCEPT AS PROVIDED IN SUBSECTION (2)(B), IF a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration ~~or license~~ fee for the remainder of the year is one-half of the regular fee.

(B) FOR A TRAILER OR SEMITRAILER DESCRIBED IN 61-3-530(1), THE APPLICABLE FEES MUST BE PAID REGARDLESS OF WHEN THE FEES WERE LAST PAID OR IF THE FEES WERE PAID AT ALL.

(3) An additional fee of \$5 [FOR A MOTORCYCLE OR QUADRICYCLE WITH SPECIAL LICENSE PLATES ISSUED UNDER SECTION 1 OF HOUSE BILL NO. 767 AND FOR A MOTORCYCLE OR QUADRICYCLE UNDER ONE-TIME REGISTRATION \$5] IN CALENDAR YEAR 2004 AND, IN EACH SUBSEQUENT YEAR, \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(4) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

(5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the STATE general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) ~~(i) The following vehicles are not subject to the fee imposed in subsection (6)(a): THE FOLLOWING VEHICLES ARE NOT SUBJECT TO THE FEE IMPOSED IN SUBSECTION (6)(A):~~

~~(i) trailers TRAILERS (I) TRAILERS and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and ARE NOT SUBJECT TO THE FEE IMPOSED IN SUBSECTION (6)(A); AND~~

~~(ii) travel TRAVEL TRAVEL trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817 ARE SUBJECT TO THE FEE IMPOSED IN SUBSECTION (6)(A), AND AS APPLIED TO THESE VEHICLES, THE FEE IS A ONE-TIME FEE FOR AS LONG AS THE VEHICLE REMAINS IN THE SAME OWNERSHIP.~~

(7) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(8) A person qualifying under 61-3-332(10)(d) is exempt from the fees required under this section.

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

**Section 34.** Section 61-3-332, MCA, is amended to read:

**"61-3-332. (Temporary) Number plates.** (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates, collegiate license plates, and generic specialty license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

- (a) passenger vehicles, including automobiles, vans, and sport utility vehicles;
- (b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";
- (c) trucks, bearing the letter "T" or the word "TRUCK";
- (d) trailers, bearing the letters "TR" or the word "TRAILER";

(e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";

(f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";

(g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";

(h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and

(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

(3) (a) Except as provided in 61-3-479 and subsections ~~(3)(B), (4)(c), and (4)(d)~~ of this section, all number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the department. In years when number plates are not issued, the department shall provide ~~nonremovable stickers bearing appropriate registration numbers~~ a registration decal that must be affixed to the ~~license plates in use~~ rear license plate of the vehicle.

(b) For ~~motorcycles, quadricycles, and light vehicles~~ that are permanently registered as provided in 61-3-527 or 61-3-315 and 61-3-562 AND VEHICLES DESCRIBED IN 61-3-303(6) THAT ARE PERMANENTLY REGISTERED, the department shall provide ~~a distinctive nonremovable stickers~~ registration decal indicating that the vehicle is permanently registered. The ~~stickers~~ registration decal must be affixed to the ~~license plates in use~~ rear license plate of the permanently registered vehicle.

(4) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and 61-3-560, may display the number plate and plate design in effect at the time of registration for the entire 24-month registration period.

(d) A ~~motorcycle, quadricycle, or light vehicle~~ DESCRIBED IN SUBSECTION (3)(B) that is permanently registered, ~~as provided in 61-3-527 or 61-3-315 and 61-3-562~~, may display the number plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently registered.



(5) ~~In the case of~~ For passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on the license plates, and the word "Montana" must be placed on each plate. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(6) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, and generic specialty license plates, the distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(7) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(8) Number plates issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be

transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration ~~or license~~ fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they ~~may be~~ are formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (6), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the vehicle, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number on each set, to an applicant who presents to the department a copy of certification of national

guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection (12).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) Subject to the limitation in 61-3-453, a resident of Montana who is a veteran of the armed forces of the United States and who has been awarded the purple heart and is 50% or more disabled because of an injury that has been determined by the department of veterans affairs to be service-connected or who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation to the department of documentation required in subsection (10)(f)(i) and proof of the required disability, be issued:

(A) a special license plate under this section with the purple heart decal or a design or decal displaying the letters "DV"; or

(B) one set of any other military-related plates that the 50% or more disabled veteran who has been awarded the purple heart or the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter irrespective of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i).

(iii) The fee for original or renewal registration for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes by a 50% or more disabled veteran who has been awarded the purple heart and who meets the criteria in subsection (10)(c)(i) is \$5 and is in lieu of other taxes and fees for that vehicle under this chapter, except for the \$10 fee required in subsection (10)(f)(iii), regardless of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i). Special license plates issued to a 50% or more disabled veteran who has been awarded the purple heart under subsection (10)(c) may be

retained by a surviving spouse, subject to payment of all taxes and fees required under parts 3 and 4 of this chapter as provided in subsection (10)(f)(iii).

(iv) Special license plates issued to a disabled veteran and, except as provided in subsection (10)(c)(iii), to a 50% or more disabled veteran who has been awarded the purple heart are not transferable to another person.

(v) A 50% or more disabled veteran who has been awarded the purple heart or a disabled veteran is not entitled to a special license plate for more than one vehicle.

(vi) A vehicle that is lawfully displaying a disabled veteran's plate with a design or decal displaying the letters "DV" and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) (i) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(ii) Fees required under 61-3-321(1) and (6) may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iv) An ex-prisoner of war is exempt from the registration fees imposed under 61-3-560 through 61-3-562 for one vehicle that displays a set of ex-prisoner of war license plates.

(v) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces.

If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided for 100% disabled veterans and ex-prisoners of war in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10.

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability. IF THE VEHICLE TO WHICH THE LICENSE PLATE IS ATTACHED IS PERMANENTLY REGISTERED, THE OWNER OF THE VEHICLE SHALL MAINTAIN EVIDENCE OF CONTINUED ELIGIBILITY TO USE THE LICENSE PLATE, WHICH MUST BE ATTACHED TO THE REGISTRATION DOCUMENT IN THE VEHICLE.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an

applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(i) An active member of the armed forces of the United States who is a resident of the state or who is stationed outside of Montana may be issued special license plates inscribed as provided in subsection (10)(f)(i)(A). The member's commanding officer may issue a certificate or some other relevant document to show the applicant's qualification and authorizing the issuance of the special license plates in sets of two with a different number on each set. The member is liable for payment of all taxes and fees required by this chapter, except as provided in 61-3-456.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733.

(12) Fees collected under this section must be deposited in the state general fund. (Terminates July 1, 2005--sec. 21, Ch. 402, L. 2001.)

**61-3-332. (Effective July 1, 2005) Number plates.** (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates and collegiate license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

- (a) passenger vehicles, including automobiles, vans, and sport utility vehicles;
- (b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";
- (c) trucks, bearing the letter "T" or the word "TRUCK";
- (d) trailers, bearing the letters "TR" or the word "TRAILER";
- (e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";
- (f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";
- (g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";
- (h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and

(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

(3) (a) Except as provided in subsections ~~(3)(B)~~, (4)(c), and (4)(d), all number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide ~~nonremovable stickers bearing appropriate registration numbers~~ a registration decal that must be affixed to the ~~license plates in use~~ rear license plate of the vehicle.

(b) For ~~motorcycles, quadricycles, and~~ light vehicles that are permanently registered as provided in 61-3-527 or 61-3-315 and 61-3-562 AND VEHICLES DESCRIBED IN 61-3-303(6), the department shall provide a distinctive ~~nonremovable stickers~~ registration decal indicating that the vehicle is permanently registered. The ~~stickers~~ permanent registration decal must be affixed to the ~~license plates in use~~ rear license plate of the permanently registered vehicle.

(4) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and 61-3-560, may display the number plate and plate design in effect at the time of registration for the entire 24-month registration period.

(d) A ~~motorcycle, quadricycle, or~~ light vehicle DESCRIBED IN SUBSECTION (3)(B) that is permanently registered, ~~as provided in 61-3-527 or 61-3-315 and 61-3-562~~, may display the number plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently registered.

(5) In the case of passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. The outline of the state of Montana must be used as a distinctive border on the license plates, and the word "Montana" and the year must be placed across the plates. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(6) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number

must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(7) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(8) Number plates issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration ~~or license~~ fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must



be assigned numbers by the department as they may be formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (6), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, with the registration decal affixed to the rear license plate of the vehicle, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number on each set, to an applicant who presents to the department a copy of certification of national guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection (12).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) Subject to the limitation in 61-3-453, a resident of Montana who is a veteran of the armed forces of the United States and who has been awarded the purple heart and is 50% or more disabled because of an injury that has been determined by the department of veterans affairs to be service-connected or who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation to the department of documentation required in subsection (10)(f)(i) and proof of the required disability, be issued:

(A) a special license plate under this section with the purple heart decal or a design or decal displaying the letters "DV"; or

(B) one set of any other military-related plates that the 50% or more disabled veteran who has been awarded the purple heart or the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter irrespective of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i).

(iii) The fee for original or renewal registration for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes by a 50% or more disabled veteran who has been awarded the purple heart and who meets the criteria in subsection (10)(c)(i) is \$5 and is in lieu of other taxes and fees for that vehicle under this chapter, except for the \$10 fee required in subsection (10)(f)(iii), regardless of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i). Special license plates issued to a 50% or more disabled veteran who has been awarded the purple heart under subsection (10)(c) may be retained by a surviving spouse, subject to payment of all taxes and fees required under parts 3 and 4 of this chapter as provided in subsection (10)(f)(iii).

(iv) Special license plates issued to a disabled veteran and, except as provided in subsection (10)(c)(iii), to a 50% or more disabled veteran who has been awarded the purple heart are not transferable to another person.

(v) A 50% or more disabled veteran who has been awarded the purple heart or a disabled veteran is not entitled to a special license plate for more than one vehicle.

(vi) A vehicle that is lawfully displaying a disabled veteran's plate with a design or decal displaying the letters "DV" and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) (i) A Montana resident who is a veteran of the armed forces of the United States and was captured

and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(ii) Fees required under 61-3-321(1) and (6) may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iv) An ex-prisoner of war is exempt from the registration fees imposed under 61-3-560 through 61-3-562 for one vehicle that displays a set of ex-prisoner of war license plates.

(v) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided for 100% disabled veterans and ex-prisoners of war in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10.

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability. IF THE VEHICLE TO WHICH THE LICENSE PLATE IS ATTACHED IS PERMANENTLY REGISTERED, THE OWNER OF THE VEHICLE SHALL MAINTAIN EVIDENCE OF CONTINUED ELIGIBILITY TO USE THE LICENSE PLATE, WHICH MUST BE ATTACHED TO THE REGISTRATION DOCUMENT IN THE VEHICLE.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(i) An active member of the armed forces of the United States who is a resident of the state or who is stationed outside of Montana may be issued special license plates inscribed as provided in subsection (10)(f)(i)(A). The member's commanding officer may issue a certificate or some other relevant document to show the applicant's qualification and authorizing the issuance of the special license plates in sets of two with a different number on each set. The member is liable for payment of all taxes and fees required by this chapter, except as provided in 61-3-456.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733.

(12) Fees collected under this section must be deposited in the state general fund."

**Section 35.** Section 61-3-333, MCA, is amended to read:

**"61-3-333. Replacing number plates.** ~~In the event of~~ If loss, mutilation, or destruction of number plates; ~~and/or validation devices or a motor vehicle's registration decal occurs,~~ the owner of the registered motor vehicle may obtain from the department ~~duplicates or replacements of the number plates or a duplicate registration decal~~ upon filing a sworn declaration ~~showing~~ stating that fact and payment of a fee of \$2. ~~In the event of~~ If loss, mutilation, or destruction of pioneer plates occurs, duplicates may be obtained in the same manner upon payment of a fee of \$5."

**Section 36.** Section 61-3-463, MCA, is amended to read:

**"61-3-463. Collegiate license plates.** (1) Subject to the provisions of 61-3-332(4) and the requirement that collegiate license plates must have a white reflectorized background, the department shall design, cause to be manufactured, and issue collegiate license plates as provided in 61-3-464 through 61-3-466.

(2) After consultation with each institution, the department shall prescribe the color and insignia to be displayed on the collegiate license plates for each institution.

(3) In addition to each institution's distinctive color and insignia provided in subsection (2), each collegiate license plate must:

(a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A through Z, or a combination of numerals and letters; and

(b) bear a ~~nonremovable sticker~~ registration decal denoting the correct county designation under 61-3-332.

(4) The department shall determine the minimum and maximum number of characters, including both numerals and letters, on the collegiate license plates.

(5) An issue of collegiate license plates may not be ordered or manufactured for any individual institution unless at least 400 sets of plates are ordered and prepaid."

**Section 37.** Section 61-3-474, MCA, is amended to read:

**"61-3-474. (Temporary) Responsibility for design of generic specialty license plates -- numbering -- rulemaking -- approval -- county designation by sticker registration decal -- listing of plate sponsors.**

(1) The department shall:

- (a) design the background and general format of generic specialty license plates;
  - (b) in consultation with the department of corrections, determine which license plate processing system is the most efficient and versatile manufacturing method for the production of generic specialty license plates;
  - (c) use a numbering system for generic specialty license plates that is distinctive from the numbering system required under 61-3-332 or used for collegiate license plates;
  - (d) adopt rules that prescribe:
    - (i) the minimum and maximum number of characters that a generic specialty license plate may display;
    - (ii) the general placement of the sponsor's name, identifying phrase, and graphic; and
    - (iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.
- (2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license plates must be approved by the department prior to the manufacture of the plates.
- (3) Upon the issuance of generic specialty license plates, the department shall provide ~~nonremovable stickers~~ registration decals bearing the appropriate county designation as provided in 61-3-332. The ~~stickers~~ registration decal must be affixed to the license plates in use in accordance with instructions by the department.
- (4) The department shall maintain a list of the organizations that it has approved as sponsors of generic specialty license plates, including the name and address of a generic specialty license plate liaison for each organization. The department shall, upon request, make copies of this list available to interested members of the public.
- (5) The department may, in its discretion, revoke its previous approval of an organization's generic specialty license plate sponsorship if the organization fails to comply with the provisions of 61-3-472 through 61-3-481 or if the department has reliable information that the organization may no longer be qualified for sponsorship under 61-3-472 through 61-3-481. (Terminates June 30, 2005--sec. 21, Ch. 402, L. 2001.)"

~~Section 28. Section 61-3-519, MCA, is amended to read:~~

~~"61-3-519. Grace period for registration and payment of fee -- penalty for failure to pay fee. (1) Unless the fee in lieu of tax provided in 61-3-523 for the year has been paid, the purchaser of a new camper has 20 days from the date of purchase to apply for the camper a registration decal, as provided in 61-3-524, and to pay the fee, as if the fee on the camper were being imposed for the first time in that registration year. The purchaser may operate or transport a camper on the highways of Montana without a registration decal during the 20-day period if the operator of the camper or of the vehicle upon which the camper is transported has in the operator's possession a 20-day certificate issued by a dealer, if the camper was purchased from a dealer, or a~~

vehicle purchase certificate issued pursuant to 61-3-317 or other evidence of purchase of the camper.

~~——— (2) A purchaser who fails to make application apply and pay the fee within the time provided in subsection (1) is subject to a penalty of \$10, which must be collected by the county treasurer when the tax is paid and must be in addition to the fees otherwise provided by law."~~

~~——— **Section 29.** Section 61-3-524, MCA, is amended to read:~~

~~——— "**61-3-524. Decal Registration decal required on camper -- application for decal -- application fee -- issuance.** (1) A camper that is subject to the fee in lieu of tax imposed under 61-3-521 may not be operated by a person on the public highways or streets in this state unless there is displayed in a conspicuous place on the camper a registration decal as visual proof that the fee has been paid on the camper for the current year.~~

~~——— (2) Application for the issuance of the registration decal must be made to the county treasurer in the county of the owner's residence, accompanied by an application fee of \$4.50, on a form furnished by the department, which may be obtained at the county treasurer's office. The form must provide for substantially the following information:~~

~~——— (a) name of owner;~~

~~——— (b) address;~~

~~——— (c) name of manufacturer;~~

~~——— (d) model number;~~

~~——— (e) make;~~

~~——— (f) year of manufacture; and~~

~~——— (g) other information that the department may require.~~

~~——— (3) (a) The county treasurer shall sign the application and transmit the application and the fee to the department. The fee must be deposited in the state general fund.~~

~~——— (b) Upon receipt of the application in approved form and payment of the fee in lieu of tax by the applicant, the county treasurer shall issue to the applicant a numbered registration decal in the style and design prescribed by the department and of a different color than the preceding year."~~

~~——— **Section 30.** Section 61-3-525, MCA, is amended to read:~~

~~——— "**61-3-525. Annual application for registration decals.** (1) Camper decals expire A registration decal expires annually on April 30. Application for registration must be made to the county treasurer not later than June 15 to renew the camper a registration decal. If the vehicle to which the camper is customarily attached may be~~

reregistered by mail, application for the camper decal ~~registration decal for the camper~~ may also be made by mail in the manner provided in 61-3-535.

~~\_\_\_\_\_ (2) The owner of a camper with a registration decal is entitled to may operate the camper between May 1 and June 15 without displaying the registration decal for the current registration year if the owner, during that period, displays upon the camper the registration decal from the previous registration year."~~

**SECTION 38. SECTION 61-3-521, MCA, IS AMENDED TO READ:**

**"61-3-521. Fee in lieu of tax for certain vehicles.** (1) There is a fee in lieu of property tax imposed on motor homes; and travel trailers, ~~and campers~~ and on trailers, pole trailers, and semitrailers with a declared weight of less than 26,000 pounds. The fee is in addition to annual or one-time registration fees, as applicable.

(2) The fee imposed by subsection (1) need not be paid by a dealer for vehicles that constitute inventory of the dealership."

**SECTION 39. SECTION 61-3-523, MCA, IS AMENDED TO READ:**

**"61-3-523. ~~Schedule of fees~~ One-time fee for travel trailers and campers.** (1) ~~The~~ Except as provided in subsection (2), the fee imposed by 61-3-521 on a travel trailer ~~that is less than 3 years old is \$60. In all other cases the fee is \$22.50~~ is a one-time fee and is:

(a) for a travel trailer under 16 feet in length, \$25 in calendar year 2004 and, in each subsequent year, \$50; and

(b) for a travel trailer 16 feet in length or longer, \$65 in calendar year 2004 and, in each subsequent year, \$130.

~~(2) The fee imposed by 61-3-521 on a camper that is less than 3 years old is \$52.50. In all other cases the fee is \$22.50.~~

~~\_\_\_\_\_ (3) (a) Except as provided in subsection (3)(b), the age of a travel trailer or camper is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~\_\_\_\_\_ (b) If the purchase year of a travel trailer or camper precedes the designated model year of the travel trailer or camper and the travel trailer or camper is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(2) Except as provided in subsection (3), whenever a transfer of ownership of a travel trailer occurs, the one-time fee required under subsection (1) must be paid by the new owner.

(3) The fee need not be paid by a dealer for travel trailers that constitute inventory of the dealership."



**Section 40.** Section 61-3-526, MCA, is amended to read:

**"61-3-526. Registration of motor homes and travel trailers -- reregistration by mail allowed.** (1)

All registrations of motor homes ~~and travel trailers~~ expire annually on April 30. Application for registration or reregistration must be made to the county treasurer not later than June 15. Reregistration may be made by mail in the manner provided in 61-3-535. If the ownership of a motor home ~~or travel trailer~~ is transferred during the registration year, it must be reregistered ~~and relicensed~~ as provided by statute.

(2) The owner of a motor home ~~or travel trailer~~ registered under the provisions of this section ~~is entitled to~~ may operate ~~such the~~ vehicle between May 1 and June 15 without displaying the certificate of registration ~~certificate~~ of the current registration year if the owner, during that period, displays upon the motor home ~~or travel trailer~~ the number plates, ~~or plate,~~ or the registration decal assigned ~~thereto to the vehicle~~ MOTOR HOME OR TRAVEL TRAILER for the previous registration year.

(3) A TRAVEL TRAILER THAT IS INITIALLY REGISTERED UNDER THIS CHAPTER REMAINS REGISTERED UNLESS OWNERSHIP OF THE TRAVEL TRAILER IS TRANSFERRED. IF OWNERSHIP IS TRANSFERRED, THE NEW OWNER SHALL REGISTER THE TRAVEL TRAILER AS IF THE TRAVEL TRAILER WERE BEING REGISTERED FOR THE FIRST TIME."

**SECTION 41. SECTION 61-3-527, MCA, IS AMENDED TO READ:**

**"61-3-527. Fee One-time fee in lieu of tax for motorcycles and quadricycles -- schedule of fees -- permanent registration.** (1) (a) There is a one-time fee in lieu of property tax of \$20 in calendar year 2004 and, in each subsequent year, \$40 imposed on motorcycles and quadricycles [THAT ARE SUBJECT TO ONE-TIME REGISTRATION]. The fee is in addition to ~~annual~~ registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

~~(2) The owner of a motorcycle or quadricycle shall pay a fee based on the age of the motorcycle or quadricycle and the size of the engine, as follows:~~

~~—— (a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

~~—— (i) less than 5 years old, \$30;~~

~~—— (ii) 5 years old and less than 11 years old, \$15; and~~

~~—— (iii) 11 years old and older, \$6.~~

~~—— (b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

- ~~———— (i) less than 5 years old, \$55;~~
- ~~———— (ii) 5 years old and less than 11 years old, \$20; and~~
- ~~———— (iii) 11 years old and older, \$6.~~
- ~~———— (c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:~~
  - ~~———— (i) less than 5 years old, \$90;~~
  - ~~———— (ii) 5 years old and less than 11 years old, \$50; and~~
  - ~~———— (iii) 11 years old and older, \$6.~~
- ~~———— (3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~
- ~~———— (b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~
- ~~———— (4) (a) The owner of a motorcycle or quadricycle that is 11 years old or older and that is subject to the fee in lieu of tax under this section may permanently register the motorcycle or quadricycle upon payment of a \$30 fee in lieu of tax, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed or amounts calculated for each of the following:~~
  - ~~———— (i) the motorcycle safety fee under 61-3-321 to be deposited in the account provided for in 20-25-1002;~~
  - ~~———— (ii) weed control under 15-1-122(3)(b);~~
  - ~~———— (iii) \$1 for the former county motor vehicle computer fee; and~~
  - ~~———— (iv) if applicable, renewal fees for personalized plates under 61-3-406.~~

[(2) THE OWNER OF A MOTORCYCLE OR QUADRICYCLE WITH SPECIAL LICENSE PLATES ISSUED UNDER SECTION 1 OF HOUSE BILL NO. 767 SHALL PAY AN ANNUAL FEE BASED ON THE AGE OF THE MOTORCYCLE OR QUADRICYCLE AND THE SIZE OF THE ENGINE, ACCORDING TO THE FOLLOWING SCHEDULE:

(A) THE FEE SCHEDULE FOR A MOTORCYCLE OR QUADRICYCLE WITH AN ENGINE THAT MEASURES FROM 1 CUBIC CENTIMETER TO 600 CUBIC CENTIMETERS IS AS FOLLOWS:

- (I) LESS THAN 5 YEARS OLD, \$30;
- (II) 5 YEARS OLD BUT LESS THAN 11 YEARS OLD, \$15; AND
- (III) 11 YEARS OLD AND OLDER, \$6.

(B) THE FEE SCHEDULE FOR A MOTORCYCLE OR QUADRICYCLE WITH AN ENGINE THAT MEASURES FROM 601 CUBIC CENTIMETERS TO 1,000 CUBIC CENTIMETERS IS AS FOLLOWS:

(I) LESS THAN 5 YEARS OLD, \$55;

(II) 5 YEARS OLD BUT LESS THAN 11 YEARS OLD, \$20; AND

(III) 11 YEARS OLD AND OLDER, \$6.

(C) THE FEE SCHEDULE FOR A MOTORCYCLE OR QUADRICYCLE WITH AN ENGINE THAT MEASURES 1,001 CUBIC CENTIMETERS AND LARGER IS AS FOLLOWS:

(I) LESS THAN 5 YEARS OLD, \$90;

(II) 5 YEARS OLD BUT LESS THAN 11 YEARS OLD, \$50; AND

(III) 11 YEARS OLD AND OLDER, \$6.

(3) (A) EXCEPT AS PROVIDED IN SUBSECTION (3)(B), THE AGE OF A MOTORCYCLE OR QUADRICYCLE IS DETERMINED BY SUBTRACTING THE MANUFACTURER'S DESIGNATED MODEL YEAR FROM THE CURRENT CALENDAR YEAR.

(B) IF THE PURCHASE YEAR OF A MOTORCYCLE OR QUADRICYCLE PRECEDES THE DESIGNATED MODEL YEAR OF THE MOTORCYCLE OR QUADRICYCLE AND THE MOTORCYCLE OR QUADRICYCLE IS ORIGINALLY TITLED IN MONTANA, THEN THE PURCHASE YEAR IS CONSIDERED THE MODEL YEAR FOR THE PURPOSES OF CALCULATING THE FEE IN LIEU OF TAX.]

~~————(b)(2)~~ A person who permanently registers a motorcycle or quadricycle as provided in this ~~subsection (4)~~ section shall pay an additional \$2 one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$2 \$1.25 fee collected under this subsection ~~(4)(b)~~ from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(3) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. (Subsection ~~(4)(b)~~ (2) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

**SECTION 42. SECTION 61-3-530, MCA, IS AMENDED TO READ:**

**"61-3-530. Schedule of fees Fee for trailers -- exception.** (1) Except as provided in ~~subsection (4)~~ subsections (2) and (3), the owner of a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds shall pay the fee imposed pursuant to 61-3-521. The fee is ~~based on the age and declared weight of the trailer or semitrailer according to the following schedule:~~

Age (in years)	Declared Weight (in pounds)		
	0-6,000	6,001-16,000	16,001-25,999
Less than 5 years old	\$16	\$55	\$74
5 years old and less than 10 years old	11	32	41

10 years old and older \_\_\_\_\_ 6 \_\_\_\_\_ 17 \_\_\_\_\_ 23

~~(2) (a) Except as provided in subsection (2)(b), the age of a trailer, pole trailer, or semitrailer is determined by subtracting the manufacturer's designated model year from the current calendar year. For trailers, pole trailers, and semitrailers that do not have a designated model year, the department shall determine a year of manufacture:~~

~~(b) If the purchase year of a trailer, pole trailer, or semitrailer precedes the designated model year of the trailer, pole trailer, or semitrailer and the trailer, pole trailer, or semitrailer is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax:~~

~~(3) The declared weight is the total unladen weight of the trailer, pole trailer, or semitrailer plus the maximum load declared by the owner to be carried on the trailer, pole trailer, or semitrailer a one-time fee and is:~~

~~(a) for a trailer, pole trailer, or semitrailer with a declared weight under 6,000 pounds, \$25 in calendar year 2004 and, in each subsequent year, \$50; and~~

~~(b) for a trailer, pole trailer, or semitrailer with a declared weight of 6,000 pounds or more, \$65 in calendar year 2004 and, in each subsequent year, \$130.~~

~~(4)(2) This section does not apply to a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds and that:~~

~~(a) is registered through a proportional registration agreement under 61-3-721; or~~

~~(b) constitutes inventory of a trailer, pole trailer, or semitrailer dealership.~~

~~(3) Whenever a transfer of ownership of a trailer, pole trailer, or semitrailer described in subsection (1) occurs, the one-time fee required under subsection (1) must be paid by the new owner.~~

~~(4) A PERSON WHO PERMANENTLY REGISTERS A TRAILER, POLE TRAILER, OR SEMITRAILER AS PROVIDED IN THIS SECTION SHALL PAY AN ADDITIONAL ONE-TIME FEE OF \$1.25 AT THE TIME OF REGISTRATION FOR DEPOSIT IN THE STATE GENERAL FUND. THE DEPARTMENT SHALL PAY FROM THE GENERAL FUND AN AMOUNT EQUAL TO THE \$1.25 FEE COLLECTED UNDER THIS SECTION FROM EACH VEHICLE REGISTRATION TO THE PENSION TRUST FUND FOR PAYMENT OF SUPPLEMENTAL BENEFITS PROVIDED FOR IN 19-6-709."~~

**Section 43.** Section 61-3-535, MCA, is amended to read:

**"61-3-535. Vehicle reregistration by mail -- reminder notice and reregistration notice by mail.** (1)

The department may allow the owner of a motor vehicle to renew the registration of a vehicle by mail when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type of vehicle is

available to the department by electronic means.

(2) Any mail reregistration procedure developed by the department must include a procedure to facilitate automated handling of mail reregistration or recertification and must provide for a written reminder notice by mail to a vehicle owner of the requirement to reregister the owner's vehicle with the county treasurer or to apply for the annual ~~camper~~ registration decal.

(3) The department shall adopt rules to implement the mail reregistration and registration decal application procedure."

**SECTION 44. SECTION 61-3-560, MCA, IS AMENDED TO READ:**

**"61-3-560. Light vehicle registration fee -- exemptions -- 24-month registration.** (1) Except as provided in subsections (2) and (3), there is a registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(2) The following vehicles are exempt from the fee imposed in subsection (1):

(a) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(b) a light vehicle owned by a 100% disabled veteran or by a 50% or more disabled veteran who has been awarded the purple heart qualifying for one set of special license plates under 61-3-332(10)(c) or 61-3-426;

(c) a light vehicle owned by an ex-prisoner of war qualifying for one set of special plates under 61-3-332(10)(d) or a surviving spouse of an ex-prisoner of war under 61-3-457; and

(d) a light vehicle registered under 61-3-456.

(3) A dealer for light vehicles is not required to pay the registration fee for light vehicles that constitute inventory of the dealership and that are reported under 61-3-501.

(4) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period. However, the registration fees required under 61-3-321(1)(a) or (1)(b) paid at the time of registration or reregistration apply for the entire ~~24-month~~ registration period."

~~**SECTION 46. SECTION 61-3-561, MCA, IS AMENDED TO READ:**~~

~~**"61-3-561. Schedule of fees for light vehicles -- limitation on fee -- payment of fee required for operation.** (1) The following schedule, based on vehicle age, is used to determine the annual registration fee~~

imposed by 61-3-560:

Vehicle Age (in years)	Annual Fee
4 or less	\$195 <del>\$200</del>
5-10	<del>65</del> 70
11 or more	6

~~(2) A light vehicle subject to the registration fee imposed by 61-3-560 may not be operated unless the fee has been paid and the vehicle is licensed. A lien for fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees have been paid.~~

~~(3) For the purposes of this section, "vehicle age" means the age of the vehicle determined by subtracting the manufacturer's model year of the vehicle from the calendar year for which the registration fee is due."~~

~~**SECTION 47. SECTION 61-3-562, MCA, IS AMENDED TO READ:**~~

~~**"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules.** (1) (a) The owner of a light vehicle 11 years old or older, other than a vehicle with collegiate plates issued under 61-3-465 or generic specialty license plates issued under 61-3-479, subject to the registration fee, as provided in 61-3-561 61-3-315(2)(b), may shall permanently register the vehicle. For the calendar year commencing January 1, 2004, the registration fee is \$25, and for all succeeding years, the fee is \$55, upon payment of a \$50 registration fee, The owner of the vehicle shall also pay the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed for each of the following:~~

- ~~(i) a \$4 junk vehicle disposal fees fee to be allocated under 15-1-122(3)(a);~~
- ~~(ii) a \$6 weed control fees fee to be allocated under 15-1-122(3)(b);~~
- ~~(iii) the former county motor vehicle computer fees under 61-3-511;~~
- ~~(iv)(iii) the local option vehicle tax or flat fee on vehicles under 61-3-537 for the current calendar year;~~
- ~~(v)(iv) if applicable, license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406 for the current year;~~
- ~~(vi)(v) if applicable, the amateur radio operator license plate fee under 61-3-422 for the current year;~~
- ~~(vii) if applicable, the annual scholarship donation fee under 61-3-465; and~~
- ~~(viii)(vi) a \$1 senior citizens and persons with disabilities transportation services fees fee and beginning in calendar year 2005, a \$1.25 fee to be deposited as provided in 61-3-321(6).~~

~~(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional~~

~~\$2 \$1.25~~ fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the ~~\$2 \$1.25~~ fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

~~\_\_\_\_\_ (c) The fees associated with the following series of license plates must be paid only once, in the year of registration or reregistration, to be used for purposes of permanent registration of a vehicle:~~

~~\_\_\_\_\_ (i) Montana national guard license plates issued under 61-3-332(10)(a)(i);~~

~~\_\_\_\_\_ (ii) reserve armed forces license plates issued under 61-3-332(10)(b);~~

~~\_\_\_\_\_ (iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-332(10)(g); and~~

~~\_\_\_\_\_ (iv) amateur radio operator license plates issued under 61-3-422.~~

~~\_\_\_\_\_ (2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five three times the applicable fees imposed under 61-10-201 for the current year.~~

~~\_\_\_\_\_ (3) The owner of a vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.~~

~~\_\_\_\_\_ (4) The county treasurer shall:~~

~~\_\_\_\_\_ (a) distribute the \$50 applicable permanent registration fee collected under this section subsection (1)(a) as provided in 61-3-509;~~

~~\_\_\_\_\_ (b) once each month, remit to the department of revenue the amounts collected under this section, other than the local option vehicle tax or flat fee, for the purposes of 61-3-321(3) and 61-10-201. The county treasurer shall retain the local option vehicle tax or flat fee.~~

~~\_\_\_\_\_ (5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.~~

~~\_\_\_\_\_ (b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of ownership under 61-3-201 and file an application for registration under 61-3-303. (Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"~~

**SECTION 45.** SECTION 61-3-570, MCA, IS AMENDED TO READ:

**"61-3-570. Local option flat fee.** (1) A local option flat fee for each light vehicle may be imposed within

a county by the board of county commissioners by adoption of a resolution and referral to the electorate. The imposition of the fee must be approved by the majority of the electorate voting in the election.

(2) The flat fee is:

(a) applicable annually for light vehicles that are registered annually; and

(b) a one-time fee for light vehicles registered under 61-3-562.

(3) Fees collected under this section must be distributed as provided in 61-3-537."

NEW SECTION. SECTION 46. REPEALER. SECTIONS 23-2-520, 23-2-618, 23-2-620, 23-2-810, 61-3-519, 61-3-524, 61-3-525, AND 61-3-606, MCA, ARE REPEALED.

NEW SECTION. SECTION 47. COORDINATION INSTRUCTION. (1) IF SENATE BILL NO. 118 AND [THIS ACT] ARE BOTH PASSED AND APPROVED AND BOTH AMEND 61-3-562, THEN [SECTION 16] OF SENATE BILL NO. 118, AMENDING 61-3-562, IS VOID:

\_\_\_\_\_ (2)(1) IF SENATE BILL NO. 287 AND [THIS ACT] ARE BOTH PASSED AND APPROVED AND BOTH AMEND 15-1-122 OR 23-2-512, THEN:

\_\_\_\_\_ (A) THE SECTIONS IN SENATE BILL NO. 287 THAT AMEND 15-1-122 AND 23-2-512 ARE VOID;

\_\_\_\_\_ (B) IN 15-1-122(3)(C)(I), THE \$2.50 FEE FOR 2004 MUST BE CHANGED TO \$5.50 AND THE FEE FOR SUBSEQUENT YEARS MUST BE CHANGED TO \$17.50; AND

\_\_\_\_\_ (C) IN 23-2-512(1) THE \$3.50 FEE FOR 2004 MUST BE CHANGED TO \$6.50 AND THE FEE FOR SUBSEQUENT YEARS MUST BE CHANGED TO \$18.50.

(3)(2)(1) IF HOUSE BILL NO. 414 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN HOUSE BILL NO. 414 IS VOID.

(4)(3) IF HOUSE BILL NO. 558 AND [THIS ACT] ARE PASSED AND APPROVED, AND BOTH AMEND 23-2-614, THEN THE AMENDMENT OF 23-2-614 IN HOUSE BILL NO. 558 IS VOID.

(5)(4)(2) (A) IF HOUSE BILL NO. 538 AND [THIS ACT] ARE BOTH PASSED AND APPROVED AND BOTH AMEND 61-3-303, THEN 61-3-303 AS AMENDED IN HOUSE BILL NO. 538 IS VOID AND 61-3-303 MUST READ AS FOLLOWS:

**"Section 28.** Section 61-3-303, MCA, is amended to read:

**"61-3-303. Application for registration Registration -- process -- fees.** (1) Each owner of A Montana resident who owns a motor vehicle operated or driven upon the public highways of this state shall ~~for each~~ register the motor vehicle owned, ~~except as otherwise provided in this section,~~ file in the office of the county treasurer in the county where the owner permanently resides ~~at the time of making the application~~ or, if the



vehicle is owned by a corporation or used primarily for commercial purposes, in ~~the taxing jurisdiction of the~~ county where the vehicle is permanently assigned ~~an application for registration or reregistration on a form prescribed by the department.~~ The application must contain:

~~—— (a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;~~

~~—— (b) the name and address of the holder of any security interest in the motor vehicle;~~

~~—— (c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated capacity is 1 ton or less, and type of body and, if a truck, the manufacturer's rated capacity;~~

~~—— (d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733;~~

~~—— (e) a space in which the person registering the vehicle may indicate the person's desire to donate \$1 or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts; and~~

~~—— (f) other information that the department may require.~~

(2) (a) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

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

(ii) the county treasurer confirms that the department has an electronic record of title for the vehicle as provided under 61-3-101.

(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall register a motor vehicle 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 examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle for which the new owner cannot present the previously issued certificate of title only as authorized by the department under 61-3-342.

(4) The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.

~~(2)(5)~~ A person who ~~files an application for registration or reregistration of~~ seeks to register a motor vehicle, except of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall ~~upon the filing of the application~~ pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of registration and the immediately previous year; and

(c) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts.

~~(3)(6)~~ The ~~application may not be accepted by the county treasurer~~ may not issue a registration receipt or license plates for the vehicle to the owner unless the owner makes the payments required by subsection ~~(2)(5)~~ accompany the application. Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) except as provided in subsection (9), the immediately ~~previous~~ preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

~~(4)(7)~~ The department may make full and complete investigation of the registration status of the vehicle. ~~An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department. A person seeking to register a motor vehicle under this section shall provide additional information to support the registration to the department, if requested.~~

~~(5)(8)~~ Revenue that accrues from the voluntary donation provided in subsection ~~(2)(e)~~ (5)(c) must be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to

awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(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, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this subsection (9)(a) is registered permanently unless ownership of the vehicle is transferred.

(b) Whenever ownership of a vehicle described in subsection (6)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees."

(B) IF HOUSE BILL NO. 538 AND [THIS ACT] ARE BOTH PASSED AND APPROVED AND BOTH AMEND 61-3-311, THEN 61-3-311 AS AMENDED IN HOUSE BILL NO. 538 IS VOID AND 61-3-311 MUST READ AS FOLLOWS:

**"Section 29.** Section 61-3-311, MCA, is amended to read:

**"61-3-311. ~~Time for making application~~ Registration -- annual renewal -- time periods. (1)** Registration must be renewed annually, and ~~license registration~~ fees must be paid annually. Except as provided in 61-3-313 through 61-3-316, 61-3-318, 61-3-526, and 61-3-721, all registrations expire on December 31 of the year in which they are issued and ~~application for registration or reregistration must be filed with~~ must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year. If the ownership of a motor vehicle is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle ~~must be reregistered and relicensed~~ as provided by ~~statute~~ this chapter.

(2) The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3), unless:

(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

~~(6)(5)(3)~~ (A) IF SENATE BILL NO. 112 AND [THIS ACT] ARE BOTH PASSED AND APPROVED AND BOTH AMEND 15-1-122, THEN SUBSECTION (3)(G) OF 15-1-122 MUST READ AS FOLLOWS:

"(g) to the search and rescue account provided for in [section 1 of Senate Bill No. 112]:

(i) \$2 a year for each vessel subject to the search and rescue surcharge in 23-2-517;

(ii) \$2 a year for each snowmobile subject to the search and rescue surcharge in 23-2-615(1)(b) and 23-2-616(3); and

(iii) \$2 a year for each off-highway vehicle subject to the search and rescue surcharge in 23-2-803; and"

(B) IF SENATE BILL NO. 112 AND [THIS ACT] ARE BOTH PASSED AND APPROVED AND BOTH AMEND 23-2-517, 23-2-616, OR 23-2-803, THE AMENDMENTS TO 23-2-517, 23-2-616, OR 23-2-803 IN SENATE BILL NO. 112 ARE VOID.

(6)(4) IF HOUSE BILL NO. 767 IS NOT PASSED AND APPROVED, THEN THE BRACKETED LANGUAGE IN THE FOLLOWING SECTIONS OF [THIS ACT] IS VOID:

(A) [SECTION 28] AMENDING 61-3-303(6)(A);

(B) [SECTION 34 33] AMENDING 61-3-321(1)(H) AND (3); AND

(C) [SECTION 42 41] AMENDING 61-3-527.

NEW SECTION. Section 48. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 1, and the provisions of Title 61, chapter 1, apply to [section 1].

NEW SECTION. Section 49. Effective date. [This act] is effective January 1, 2004.

NEW SECTION. Section 50. Applicability. [This act] applies to vehicles and vessels registered on or after January 1, 2004.

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