

HOUSE BILL NO. 219

INTRODUCED BY EBINGER, HAWKS, HOLLENBAUGH, MALCOLM, POMNICHOWSKI

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING DEFINITIONS OF "SELL" AND "STORAGE LOT" TO MOTOR VEHICLE DEFINITIONS; PROVIDING THAT A DEALER MAY STORE MOTOR VEHICLES ON A STORAGE LOT ~~AS LONG AS THE MOTOR VEHICLES ARE NOT BEING SOLD FROM THE STORAGE LOT;~~ PROVIDING THAT ~~THE LOT DOES NOT HAVE TO BE CONTIGUOUS WITH THE DEALER'S PRINCIPAL PLACE OF BUSINESS;~~ AND UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 61-1-101 AND 61-4-123, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

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

(b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

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

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

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

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

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

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

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

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

14 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
15 commerce to transport passengers or property if the vehicle:

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

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

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

21 (iv) is a school bus; or

22 (v) is of any size and is used in the transportation of hazardous materials as defined in 61-8-801.

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

24 (i) an authorized emergency service vehicle:

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

26 (B) entitled to the exemptions granted under 61-8-107;

27 (ii) a vehicle:

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

29 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana
30 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles

1 of the farm, including any area within that perimeter that is in the adjoining state; and

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

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

7 (c) For purposes of this subsection (7):

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

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

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

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

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

16 (9) "County where a vehicle is domiciled" means the county in which the vehicle owner permanently
17 resides or, if a vehicle is owned by a corporation or is leased or used for commercial purposes, the county in
18 which the vehicle is permanently assigned or most frequently used, dispatched, or controlled.

19 (10) "Custom vehicle" means a motor vehicle other than a motorcycle that:

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

21 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
22 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least
23 25 years old; and

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

26 (11) (a) "Dealer" means a person, firm, association, or corporation that, for commission or profit, engages
27 in whole or in part in the business of buying, selling, exchanging, accepting on consignment, or acting as a broker,
28 as defined in 61-4-131, of new or used motor vehicles, trailers, semitrailers, or pole trailers that are not registered
29 in the name of the person, firm, association, or corporation and that are required to be licensed under chapter
30 4 of this title.

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

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

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

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

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

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

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

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

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

16 (a) any temporary license or instruction permit;

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

18 (c) any nonresident's driving privilege;

19 (d) a motorcycle endorsement; or

20 (e) a commercial driver's license.

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

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

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

29 (20) "Highway" or "public highway" means the entire width between the boundary lines of every publicly
30 maintained way when any part of the publicly maintained way is open to the use of the public for purposes of

1 vehicular travel.

2 (21) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
3 arrests for violations of traffic regulations.

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

6 (23) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

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

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

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

12 (25) "Manufactured home" has the meaning provided in 15-1-101.

13 (26) "Manufacturer" includes any person, firm, corporation, or association engaged in the manufacture
14 of motor vehicles, trailers, or semitrailers as a regular business.

15 (27) "Manufacturer's certificate of origin" means the original paper record produced and issued by the
16 manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
17 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
18 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
19 ownership of the vehicle to the person or persons named in the certificate.

20 (28) "Mobile home" or "housetrailer" has the meaning provided in 15-1-101.

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

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

26 (30) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by
27 a court that are operating motor vehicles upon a public highway in this state for the transportation of property for
28 hire on a commercial basis.

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

30 (31) (a) "Motorcycle" means a motor vehicle having not more than three wheels in contact with the ground

1 and a saddle on which the operator sits or a platform on which the operator stands and a driving wheel in contact
2 with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one or more attachments
3 and a seat for the conveyance of a passenger.

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

6 (32) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces
7 5 horsepower or less.

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

9 (33) "Motor home" means a motor vehicle:

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

12 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2
13 standard; and

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

15 (i) cooking, refrigeration, or icebox;

16 (ii) self-contained toilet;

17 (iii) heating or air-conditioning, or both;

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

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

20 (34) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be
21 transported, that:

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

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

24 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a
25 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

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

28 (c) The term does not include an electric personal assistive mobility device or a motorized wheelchair
29 or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled
30 person.

1 (35) (a) "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport
2 persons or property upon the highways of the state.

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

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

9 (37) "Nonresident" means a person who is not a resident of this state.

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

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

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

19 (b) The term does not include:

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

21 (ii) snowmobiles; or

22 (iii) vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the
23 vehicle is used for off-road recreation on public lands.

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

25 (41) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
26 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
27 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the
28 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
29 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
30 person in whom is vested the right of possession or control.

1 (42) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

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

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

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

11 (46) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having
12 a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower.

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

14 (47) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon
15 stationary rails.

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

18 (b) The term does not include streetcars.

19 (49) "Recreational vehicle" includes self-propelled vehicles originally designed or permanently altered
20 to provide temporary facilities for recreational, travel, or camping use.

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

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

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

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

3 (53) "Retail sale" means the sale of a new motor vehicle or used motor vehicle, a recreational vehicle,
4 a trailer, a travel trailer, a motorcycle, a quadricycle, or special mobile equipment by a dealer to a person for
5 purposes other than resale.

6 (54) "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public
7 highways are terminated and may not be renewed or restored. An application for a new license may be presented
8 and acted upon by the department after the expiration of the period of the revocation.

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

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

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

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

16 ~~(57)~~(58) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed
17 for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and
18 that of its load rests upon or is carried by another vehicle.

19 ~~(58)~~(59) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
20 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that
21 is not otherwise registered or licensed under the laws of the state of Montana.

22 ~~(59)~~(60) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
23 property on the highways but incidentally operated or moved over the highways, including road construction or
24 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
25 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this
26 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

27 ~~(60)~~(61) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

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

30 (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from

1 a generally recognized manufacturer of motor vehicles;

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

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

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

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

9 ~~(64)(62)~~ (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that
10 is constructed on a truck chassis or that has special features for occasional off-road use.

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

12 ~~(62)(63)~~ (a) "Stop", when required, means complete cessation from movement.

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

16 ~~(64) "Storage lot" means property owned, leased, or rented by a dealer and used by the dealer for storing~~
17 ~~motor vehicles and that meets local zoning requirements and any applicable requirements of the dealer's~~
18 ~~franchise agreements~~ THAT IS NOT CONTIGUOUS TO THE DEALER'S ESTABLISHED PLACE OF BUSINESS WHERE A MOTOR
19 VEHICLE FROM THE DEALER'S INVENTORY MAY BE PLACED WHEN SPACE AT THE DEALER'S ESTABLISHED PLACE OF
20 BUSINESS IS NOT AVAILABLE.

21 ~~(63)(65)~~ "Street" means the entire width between the boundary lines of every publicly maintained way
22 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

23 ~~(64)(66)~~ "Street rod" means a motor vehicle, other than a motorcycle, that:

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

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

28 ~~(65)(67)~~ "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public
29 highways are temporarily withdrawn, but only during the period of suspension.

30 ~~(66)(68)~~ "Temporary registration permit" means a paper record:

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

4 (i) required vehicle and owner information; and

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

6 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
7 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
8 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record
9 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

10 ~~(67)~~(69) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
11 conveyances either singly or together while using any highways for purposes of travel.

12 ~~(68)~~(70) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed
13 for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests
14 upon the towing vehicle.

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

16 ~~(69)~~(71) "Transaction summary receipt" means an electronic record produced and issued by the
17 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
18 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record
19 must contain a unique transaction record number and summarize and verify the electronic filing of the transaction
20 described in the receipt on the electronic record of title maintained under 61-3-101.

21 ~~(70)~~(72) "Travel trailer" means a vehicle:

22 (a) that is 40 feet or less in length;

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

24 (c) with gross trailer area of less than 320 square feet; and

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

27 ~~(71)~~(73) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
28 transportation of property.

29 ~~(72)~~(74) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles
30 and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

1 ~~(73)~~(75) "Under the influence" has the meaning provided in 61-8-401.

2 ~~(74)~~(76) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged,
3 given away, or had its title transferred from the person who first took title to it from the manufacturer, importer,
4 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what
5 is commonly known as "secondhand" within the ordinary meaning of that term.

6 ~~(75)~~(77) "Van" means a motor vehicle designed for the transportation of at least six persons and not more
7 than nine persons and intended for but not limited to family or personal transportation without compensation.

8 ~~(76)~~(78) (a) "Vehicle" means a device in, upon, or by which any person or property may be transported
9 or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails
10 or tracks.

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

14 ~~(77)~~(79) "Vehicle identification number" means the number, letters, or combination of numbers and letters
15 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
16 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

17 ~~(78)~~(80) "Vessel" means every description of watercraft, unless otherwise defined by the department,
18 other than a seaplane on the water, used or capable of being used as a means of transportation on water.

19 ~~(79)~~(81) "Wholesaler" means a person, firm, partnership, association, or corporation that for a
20 commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts
21 to negotiate a sale or exchange of an interest in a used motor vehicle, recreational vehicle, trailer, semitrailer,
22 pole trailer, special mobile equipment, motorcycle, or quadricycle only to vehicle dealers and auto auctions
23 licensed under chapter 4, part 1."
24

25 **Section 2.** Section 61-4-123, MCA, is amended to read:

26 **"61-4-123. Dealer requirements and restrictions.** (1) A dealer may not offer for sale, trade, or
27 consignment any motor vehicle type not authorized by the license issued to the dealer by the department or use
28 a dealer or demonstrator plate on a motor vehicle of a type for which the dealer is not licensed.

29 (2) A dealer may not display at the dealer's established place of business or any approved off-premises
30 sale location a motor vehicle offered for sale, trade, or consignment unless the Monroney label required for new

1 motor vehicles pursuant to 15 U.S.C. 1232 or the buyer's guide label required for used motor vehicles pursuant
 2 to 16 CFR, part 455, is affixed to the side window of the motor vehicle or is conspicuously displayed within the
 3 motor vehicle in a fashion that is readily readable by a customer.

4 (3) (a) Except as provided in subsection (4), a dealer may not sell or display a motor vehicle offered for
 5 sale at any geographic location other than that of the dealer's established place of business as listed on the
 6 dealer's license.

7 ~~(b) A dealer may store a motor vehicle in a storage lot as long as the dealer does not sell the motor~~
 8 ~~vehicle from the storage lot. If the dealer conforms to the requirements of this subsection (3)(b), the storage lot~~
 9 ~~does not have to be contiguous with the dealer's established place of business~~ PARK A MOTOR VEHICLE IN A

10 STORAGE LOT IF:

11 (I) LOCAL ZONING REGULATIONS PERMIT THAT TYPE OF USE;

12 (II) THE LOT IS IN THE COUNTY WHERE THE DEALER'S ESTABLISHED PLACE OF BUSINESS IS LOCATED;

13 (III) THE DEALER DOES NOT SELL OR ADVERTISE THE SALE OF THE MOTOR VEHICLE AT THE LOT; AND

14 (IV) IF APPLICABLE, THE PLACEMENT OF THE MOTOR VEHICLE COMPLIES WITH THE DEALER'S FRANCHISE
 15 AGREEMENT.

16 (4) (a) A dealer may conduct an off-premises display and sale at a geographic location other than that
 17 of the dealer's established place of business as listed on the dealer's license if the dealer notifies the department
 18 10 days in advance, on a form prescribed by the department, of the opening date and location of an off-premises
 19 display and sale and obtains a permit from the department. The department may require proof from the dealer
 20 that the location proposed for the off-premises display and sale is in compliance with local zoning ordinances.
 21 Except for recreational vehicle, motor home, or travel trailer dealers, an off-premises display and sale must be
 22 conducted within the county of the dealer's licensed location. The display and sale may not exceed 10
 23 consecutive days, and a licensed dealer may not conduct more than 10 off-premises displays and sales during
 24 any 1 calendar year.

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

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

1 (i) conspicuously promotes or supports an event or a program sponsored by a nonprofit corporation or
2 association organized and operated exclusively for religious, charitable, scientific, or educational purposes and
3 the motor vehicle is displayed at a location where the event is being held or the program is being promoted; or

4 (ii) conspicuously promotes a joint commercial endeavor between the dealer and another clearly identified
5 business entity and the motor vehicle is displayed on premises owned or leased by the other business entity and
6 where the other entity regularly conducts its business. A display under this subsection (4)(c)(ii) may not exceed
7 90 days.

8 (5) If more than one dealer displays motor vehicles and maintains an established place of business at
9 the same geographic location, each dealer shall ensure that all motor vehicle records, office facilities, and
10 inventory, if applicable, are physically segregated from those of the other dealer and clearly identified and
11 attributed to the appropriate dealer.

12 (6) A dealer shall install and maintain telephone service at the dealer's established place of business.
13 The telephone service must be listed in the directory assistance that applies to the area in which the business
14 is located.

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

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

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

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

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

30

1 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

2 - END -