

HOUSE BILL NO. 355

INTRODUCED BY K. WHITE

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOTORIZED
5 RECREATION; ESTABLISHING THE SUMMER MOTORIZED RECREATION TRAIL GRANT PROGRAM;
6 ESTABLISHING A SUMMER MOTORIZED RECREATION TRAIL PASS FOR RESIDENTS; ESTABLISHING
7 THE SUMMER MOTORIZED RECREATION TRAIL PASS ACCOUNT; PROVIDING GRANTS; PROVIDING
8 DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; REVISING NONRESIDENT TEMPORARY-USE
9 SNOWMOBILE PERMIT FEES; REVISING SNOWMOBILE TRAIL PASS FEES; REVISING NONRESIDENT
10 TEMPORARY USE PERMIT FEES FOR OFF-HIGHWAY VEHICLES; ALLOWING ~~THE PERMANENT~~
11 DISCOUNTED REGISTRATION OF CERTAIN OFF-HIGHWAY VEHICLES, MOTORCYCLES, QUADRICYCLES,
12 AND SNOWMOBILES ~~TO BE TRANSFERRED UPON CHANGE OF OWNERSHIP~~; REVISING
13 REQUIREMENTS ~~FOR ELECTRONIC RECORDS OF REGISTRATIONS~~; AND AMENDING SECTIONS
14 23-2-101, 23-2-102, 23-2-103, 23-2-615, 23-2-636, 23-2-814, ~~61-3-101, 61-3-303, 61-3-313~~, AND 61-3-321,
15 MCA."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18
19 NEW SECTION. **Section 1. Definitions.** For the purposes of this part, the following definitions apply:

20 (1) "Department" means the department of fish, wildlife, and parks.

21 (2) "Motorized equipment" means any motorized equipment authorized to be used on public lands by
22 the land management agency with jurisdiction over those lands.

23 (3) "Summer motorized recreation trail" means a trail designated as open to motorized use and approved
24 for inclusion in the summer motorized recreation trail GRANT program established in [section ~~2~~ 4] by the land
25 management agency with jurisdiction over the trail.

26
27 NEW SECTION. **Section 2. Summer motorized recreation trail pass for residents -- fees --**

28 **penalties.** (1) Except as provided in subsection (5) of this section, motorized equipment registered in Montana
29 pursuant to 61-3-321 may not be operated on a summer motorized recreation trail unless a summer motorized
30 recreation trail pass is affixed in a conspicuous place to the motorized equipment.

1 (2) The cost of a summer motorized recreation trail pass is \$20. The trail pass is valid for 2 years and
2 expires on December 31 of the second calendar year.

3 (3) The trail pass is not transferable. However, if motorized equipment is sold with an affixed trail pass,
4 the trail pass may continue to be used by the purchaser until the pass expires.

5 (4) Application for the issuance of the trail pass must be made at locations and on forms prescribed by
6 the department. The forms must include but are not limited to:

7 (a) the applicant's name and permanent address;

8 (b) a physical description of the motorized equipment; and

9 (c) proof of the motorized equipment's registration in Montana.

10 (5) A person renting motorized equipment registered pursuant to 61-3-321 is not required to purchase
11 a trail pass but shall carry proof of rental if operating the motorized equipment on a summer motorized recreation
12 trail.

13 (6) Money collected by payment of fees under this section must be used as follows:

14 (a) \$2 must be remitted to the vendor who sold the trail pass if the vendor is not the department; and

15 (b) the remainder must be deposited in the summer motorized recreation trail account established in
16 [section 3].

17 (7) The failure to affix the trail pass as required by this section or the making of false statements in
18 obtaining the trail pass is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100. All fines
19 collected under this section must be transmitted to the department of revenue for deposit in the state general
20 fund.

21
22 **NEW SECTION. Section 3. Summer motorized recreation trail account.** (1) There is a summer
23 motorized recreation trail account in the state special revenue fund established in 17-2-102.

24 (2) Pursuant to [section 2], revenue collected from the sale of summer motorized recreation trail passes
25 must be deposited in the account and used by the department pursuant to [section 4] and this subsection (2):

26 (A) UP TO 5% DEPOSITED IN THE ACCOUNT EACH YEAR MAY BE USED BY THE DEPARTMENT FOR ADMINISTRATIVE
27 COSTS:

28 ~~(a)~~(B) \$1 from each trail pass sold pursuant to [section 2] must be ~~used to mitigate and eradicate~~
29 GRANTED FOR MITIGATION AND ERADICATION OF noxious weeds along summer motorized recreation trails; and

30 ~~(b)~~(C) the remainder must be ~~used~~ GRANTED for designation, maintenance, and improvement of summer

1 motorized recreation trails.

2 (3) Interest and income earned on the account and any unspent or unencumbered money in the account
3 at the end of a fiscal year must remain in the account.

4
5 **NEW SECTION. Section 4. Summer motorized recreation trail GRANT program --grants --**

6 **rulemaking.** (1) There is a summer motorized recreation trail GRANT program by which the department may use
7 GRANT funds deposited in the account established in [section 3] to PRIVATE CLUBS AND ORGANIZATIONS FOR THE
8 FOLLOWING PURPOSES:

- 9 (a) TO designate, mark or sign, maintain, and improve summer motorized recreation trails; AND
- 10 (b) TO mitigate and eradicate noxious weeds along summer motorized recreation trails; and
- 11 ~~_____ (c) distribute grants and funding assistance to agencies managing a trail designated as a summer~~
12 ~~motorized recreation trail through a cooperative agreement with the department to be used for the purposes~~
13 ~~described in subsections (1)(a) and (1)(b).~~

14 (2) In utilizing funds pursuant to this section, the department shall consider the recommendations of the
15 state trails advisory committee established pursuant to 23 U.S.C. 206.

16 (3) The department may adopt rules to implement the provisions of [sections 1 through 4].

17
18 **Section 5.** Section 23-2-101, MCA, is amended to read:

19 **"23-2-101. Legislative findings -- purpose.** Montana is uniquely endowed with scenic landscapes and
20 areas rich in recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and
21 businesses to the state, and is of major significance to the expanding tourist industry. It is the purpose of this part
22 to give authority to the department of fish, wildlife, and parks to plan and develop outdoor recreational resources
23 in the state; ~~which~~ That authority ~~shall permit~~ permits receiving and expending funds, including federal grants,
24 for this purpose."

25
26 **Section 6.** Section 23-2-102, MCA, is amended to read:

27 **"23-2-102. Department of fish, wildlife, and parks to implement federal act.** The department of fish,
28 ~~wildlife, and parks~~ is hereby designated as the state agency to represent and act for the state for the purpose of
29 implementing the Land and Water Conservation Fund Act of 1965."

30

1 **Section 7.** Section 23-2-103, MCA, is amended to read:

2 **"23-2-103. Compliance with federal act authorized -- powers of department.** The department of fish,
3 ~~wildlife, and parks~~ shall do those things necessary to comply with the provisions of the Land and Water
4 Conservation Fund Act of 1965. Among other things, the department of fish, ~~wildlife, and parks~~ may:

5 (1) prepare a comprehensive statewide outdoor recreational plan ~~which shall~~ that must contain an
6 evaluation of the demand for and supply of outdoor recreational resources and facilities in Montana and a
7 program for implementation of the plan;

8 (2) accept and administer ~~moneys~~ money paid by the secretary of the interior for approved projects;

9 (3) contract with other state agencies, cities, counties, and other political subdivisions of the state, private
10 organizations, and agencies of the federal government;

11 (4) acquire, other than by eminent domain, and develop outdoor recreational areas and facilities ~~and as~~
12 well as land and waters and interests in land and waters for such areas and facilities;

13 (5) for the purpose of implementing the Land and Water Conservation Fund Act of 1965, coordinate its
14 activities with and represent the interests of all agencies of state, city, county, and other governmental units with
15 outdoor recreational responsibilities."

16

17 **SECTION 8. SECTION 23-2-615, MCA, IS AMENDED TO READ:**

18 **"23-2-615. Nonresident temporary-use snowmobile permits -- use of fees.** (1) The requirements
19 for a nonresident temporary-use snowmobile permit are as follows:

20 (a) Application for the issuance of the permit must be made at locations and upon forms prescribed by
21 the department. The forms must include but are not limited to:

22 (i) the applicant's name and permanent address; and

23 (ii) an affidavit declaring the nonresidency of the applicant.

24 (b) Upon submission of the application and a fee of ~~\$25~~ \$35, of which 50 cents is a search and rescue
25 surcharge, a nonresident temporary-use snowmobile sticker must be issued. The sticker must be permanently
26 affixed in a conspicuous manner on the snowmobile.

27 (2) The temporary-use snowmobile permit is valid during the fiscal year in which it is issued.

28 (3) The temporary-use snowmobile permit is not proof of ownership, and a certificate of title may not be
29 issued.

30 (4) (a) A nonresident temporary-use snowmobile permit is not required for a snowmobile that qualifies

1 as a racing snowmobile under 23-2-622.

2 (b) A nonresident temporary-use snowmobile permit is not required for a snowmobile that will be used
3 only on trails that are managed jointly by agreement between Montana and another state.

4 (5) Except as provided in subsection (1)(b), money collected by payment of fees under this section must
5 be deposited in the state special revenue fund to the credit of the department and used as follows:

6 (a) \$11 must be expended in areas that are impacted by nonresident snowmobile use to assist in
7 offsetting snowmobile trail grooming costs;

8 (b) \$2.50 must be used by the department for the enforcement of snowmobile laws pursuant to 23-2-641;

9 (c) \$1 must be remitted to the license agent who sold the nonresident temporary-use snowmobile permit;

10 and

11 (d) ~~\$10~~ \$20 must be used by the department for the statewide snowmobile trail grooming program.

12 (6) The failure to display the permit as required by this section or the making of false statements in
13 obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100."

14

15 **Section 9.** Section 23-2-636, MCA, is amended to read:

16 **"23-2-636. Snowmobile trail pass -- fees -- penalties.** (1) Except FOR SNOWMOBILES FOR WHICH A
17 NONRESIDENT TEMPORARY-USE PERMIT IS PURCHASED PURSUANT TO 23-2-615 AND EXCEPT as provided in subsection
18 (4), to be eligible to operate a snowmobile or use motorized equipment or mechanical transport in snowmobile
19 areas groomed with a grant or funding assistance awarded by the department, a person shall first purchase a
20 snowmobile trail pass for: ~~\$18~~

21 (a) \$20, if the snowmobile or motorized equipment is registered in Montana pursuant to 61-3-321 or the
22 person operating the mechanical transport is a resident as determined under 1-1-215; or

23 (b) \$35, if the snowmobile or motorized equipment is exempt from registration in Montana pursuant to
24 61-3-321 or the person operating the mechanical transport is not a resident as determined under 1-1-215. This
25 subsection (1)(b) does not apply to snowmobiles or motorized equipment exempt from registration in Montana
26 pursuant to 61-3-321(14).

27 (2) The trail pass is valid for ~~3~~ 2 years from the date of purchase and must be affixed in a conspicuous
28 place to each snowmobile, motorized equipment, or mechanical transport used. A trail pass expires on June 30
29 of the ~~third~~ second year and is not transferable between a snowmobile, motorized equipment, or mechanical
30 transport. If a snowmobile is sold ~~by a dealer~~ with an affixed trail pass, the trail pass may continue to be used by

1 the purchaser of the snowmobile until it expires.

2 (3) Application for the issuance of the trail pass must be made at locations and on forms prescribed by
3 the department.

4 (4) A person renting a snowmobile registered pursuant to 61-3-321~~(4)(b)~~(11)(C) is not required to
5 purchase a snowmobile trail pass but shall carry proof of rental if operating a snowmobile in a snowmobile area
6 that otherwise requires a trail pass pursuant to subsection (1).

7 (5) Money collected by payment of fees under this section must be deposited in the state special revenue
8 fund to the credit of the department and used as follows:

9 (a) \$2 must be remitted to the vendor who sold the trail pass if the vendor is not the department;

10 (b) \$1 must be used for the enforcement of snowmobile laws pursuant to this part; and

11 (c) the remainder must be used by the department to award grants or funding assistance to snowmobile
12 area operators for the grooming of snowmobile areas.

13 (6) The failure to affix the trail pass as required by this section or the making of false statements in
14 obtaining the trail pass is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100.

15 (7) To be eligible for a snowmobile trail pass pursuant to this section, an all-terrain vehicle must have
16 a wheel base of less than 50 inches in width and be equipped with tracks instead of wheels while operating on
17 a groomed snowmobile trail administered by the department.

18 (8) For the purposes of this section:

19 (a) "motorized equipment" means any motorized equipment allowed by a snowmobile area operator; and

20 (b) "snowmobile" includes snowmobiles used for demonstration purposes by snowmobile dealers."

21

22 **Section 10.** Section 23-2-814, MCA, is amended to read:

23 **"23-2-814. Nonresident temporary-use permits -- use of fees.** (1) Except as provided in 23-2-802,
24 an off-highway vehicle that is owned by a nonresident may not be operated by a person in Montana unless a
25 nonresident temporary-use permit is obtained.

26 (2) The requirements pertaining to a nonresident temporary-use permit for an off-highway vehicle are
27 as follows:

28 (a) Application for the issuance of the permit must be made at locations and ~~upon~~ on forms prescribed
29 by the department of fish, wildlife, and parks. The forms must include but are not limited to:

30 (i) the applicant's name and permanent address;

1 (ii) the make, model, year, and serial number of the off-highway vehicle; and

2 (iii) an affidavit declaring the nonresidency of the applicant.

3 (b) Upon submission of the application and a fee of ~~\$27~~ \$35, of which ~~\$4~~ \$2 is a search and rescue
4 surcharge, a nonresident off-highway vehicle temporary-use sticker must be issued. The sticker must be
5 displayed in a conspicuous manner on the off-highway vehicle. The sticker is the temporary-use permit.

6 (3) The temporary-use permit is valid for the calendar year designated on the permit.

7 (4) The permit is not proof of ownership, and a certificate of title may not be issued.

8 (5) (a) Except as provided in subsection (5)(b), money collected by payment of fees under this section
9 must be deposited in the state special revenue fund to the credit of the department of fish, wildlife, and parks and
10 used as follows:

11 (i) ~~\$15~~ \$27.50 must be expended to maintain off-highway vehicle trails;

12 (ii) \$2.50 must be used by the department for enforcement of off-highway vehicle laws pursuant to
13 23-2-806;

14 (iii) ~~\$4~~ \$2 must be remitted to the license agent who sold the nonresident temporary-use permit;

15 ~~(iv) \$6 must be used by the department for off-highway vehicle safety education; and~~

16 ~~(v)(iv)~~ \$1.50 \$1 must be used by the department to mitigate and eradicate noxious weeds along
17 off-highway vehicle trails.

18 (b) The ~~\$4~~ \$2 search and rescue surcharge must be deposited in the account established in 10-3-801
19 for use as provided in that section.

20 (6) Failure to display the permit as required by this section or making false statements in obtaining the
21 permit is a misdemeanor and is punishable by a fine of not less than \$25 or more than \$100. All fines collected
22 under this section must be transmitted to the department of revenue for deposit in the state general fund."
23

24 ~~Section 10.~~ Section 61-3-101, MCA, is amended to read:

25 ~~"61-3-101. Duties of department -- records. (1)(a) The department shall create and maintain a central~~
26 ~~registry of electronic files that includes an electronic record of title as specified in this section for motor vehicles,~~
27 ~~trailers, semitrailers, pole trailers, travel trailers, campers, motorboats, personal watercraft, sailboats,~~
28 ~~snowmobiles, and off-highway vehicles for which:~~

29 ~~(i) an application for a certificate of title has been received by the department, its authorized agent, or~~
30 ~~a county treasurer;~~

- 1 ~~———(ii) a certificate of title has been issued by the department; or~~
- 2 ~~———(iii) a registration, security interest, or lien transaction has been recorded by the department.~~
- 3 ~~———(b) The central registry of electronic files described in subsection (1) must include an electronic record~~
- 4 ~~of registration for each motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal~~
- 5 ~~watercraft, sailboat, snowmobile, and off-highway vehicle registered in this state:~~
- 6 ~~———(i) for which the certificate of title was issued by another jurisdiction and that was registered in another~~
- 7 ~~jurisdiction; or~~
- 8 ~~———(ii) for which a certificate of title has not been issued or is not required.~~
- 9 ~~———(2) The electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper,~~
- 10 ~~motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle must contain the following~~
- 11 ~~information:~~
- 12 ~~———(a) the owner's name, Montana residence and, if different, mailing address, and customer identification~~
- 13 ~~number;~~
- 14 ~~———(b) a description of the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,~~
- 15 ~~personal watercraft, sailboat, snowmobile, or off-highway vehicle, including, as pertinent to the motor vehicle,~~
- 16 ~~trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or~~
- 17 ~~off-highway vehicle:~~
- 18 ~~———(i) the manufacturer of the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,~~
- 19 ~~personal watercraft, sailboat, snowmobile, or off-highway vehicle;~~
- 20 ~~———(ii) the manufacturer's designation of the style of the motor vehicle, trailer, semitrailer, pole trailer, travel~~
- 21 ~~trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle;~~
- 22 ~~———(iii) the identifying number;~~
- 23 ~~———(iv) the manufacturer's designated model year of manufacture and the odometer reading, if applicable,~~
- 24 ~~at the time of the transfer of ownership;~~
- 25 ~~———(v) the character of the motive power and the shipping weight of the motor vehicle, trailer, semitrailer,~~
- 26 ~~pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle~~
- 27 ~~as shown by the manufacturer;~~
- 28 ~~———(vi) the distinctive license number assigned to the motor vehicle, trailer, semitrailer, pole trailer, travel~~
- 29 ~~trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle, if any;~~
- 30 ~~———(vii) the gross vehicle weight and gross vehicle weight rating, as determined by the manufacturer, or, for~~

1 a trailer operating interstate, the declared weight;

2 ~~——— (viii) the unique transaction record number, when available and assigned by the department, for each~~

3 ~~transaction pertaining to the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,~~

4 ~~personal watercraft, sailboat, snowmobile, or off-highway vehicle and the date of each transaction;~~

5 ~~——— (ix) any brand required under state law or any brand carried forward from a certificate of title surrendered~~

6 ~~from another jurisdiction;~~

7 ~~——— (x) if the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal~~

8 ~~watercraft, sailboat, snowmobile, or off-highway vehicle has been or is currently registered in this state, the~~

9 ~~distinctive license plate number or certificate number assigned to the motor vehicle, trailer, semitrailer, pole trailer,~~

10 ~~travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle and a record~~

11 ~~of all fees and local option taxes, if applicable, paid for the current and preceding registration periods; and~~

12 ~~——— (xi) other information that may be required for registration or may from time to time be found desirable.~~

13 ~~——— (3) The Except as provided in 61-3-321(24) and (25), the electronic record of registration for a motor~~

14 ~~vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat,~~

15 ~~snowmobile, or off-highway vehicle must contain, at a minimum, the following information:~~

16 ~~——— (a) the owner's name, Montana residence and, if different, mailing address, and the customer~~

17 ~~identification number;~~

18 ~~——— (b) the same data that is required under subsection (2)(b) for the electronic record of title; and~~

19 ~~——— (c) any other data considered to be pertinent by the department.~~

20 ~~——— (4) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory~~

21 ~~requirements, the department may destroy all records and files that relate to motor vehicles, trailers, semitrailers,~~

22 ~~pole trailers, travel trailers, campers, motorboats, personal watercraft, sailboats, snowmobiles, or off-highway~~

23 ~~vehicles that have not been registered within the preceding 4 years and that do not have an active lien.~~

24 ~~——— (5) Subject to the provisions of Title 61, chapter 11, part 5, motor vehicle records maintained by the~~

25 ~~department must be open to inspection during reasonable business hours, and the department shall furnish any~~

26 ~~information from the records, except personal information and highly restricted personal information, as defined~~

27 ~~in 61-11-503, upon payment by the applicant of the cost of the information requested. Prior to providing the~~

28 ~~information, the department shall require the applicant to provide identification. The department may not disclose~~

29 ~~personal information or highly restricted personal information except as permitted or required under 61-11-507,~~

30 ~~61-11-508, or 61-11-509."~~

1
2 ~~Section 11.~~ Section 61-3-303, MCA, is amended to read:

3 ~~"61-3-303. Original registration -- process -- fees.~~ (1) Except as provided in ~~61-3-321(24) and~~
4 ~~61-3-324,~~ a Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven
5 upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the
6 county where the owner is domiciled. A nonresident who has an interest in real property in Montana may register
7 in the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or
8 driven upon the public highways of this state.

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

11 (a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner
12 delivers an application for a certificate of title to the department, an authorized agent, or a county treasurer; or
13 (b) the county treasurer or an authorized agent confirms that the department has an electronic record
14 of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

15 (3) (a) A county treasurer or an authorized agent may register a motor vehicle, trailer, semitrailer, or pole
16 trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration
17 is required under 61-3-701 after the county treasurer or the authorized agent examines the current
18 out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The
19 county treasurer or an authorized agent may ask the motor vehicle, trailer, semitrailer, or pole trailer owner to
20 provide additional information, prescribed by the department, to ensure that the electronic record of registration
21 maintained by the department is complete.

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

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

30 (a) update the electronic record of title, if any, maintained for the vehicle by the department under

- 1 ~~61-3-101;~~
2 ~~—— (b) assign a registration period for the vehicle under 61-3-311;~~
3 ~~—— (c) determine the vehicle's age, if required, under 61-3-501;~~
4 ~~—— (d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5);~~
5 ~~and~~
6 ~~—— (e) assign and issue license plates for the vehicle under 61-3-331.~~
7 ~~—— (5) Unless otherwise provided by law, a person registering a motor vehicle shall pay to the county~~
8 ~~treasurer or an authorized agent:~~
9 ~~—— (a) the fees in lieu of tax or registration fees as required for:~~
10 ~~—— (i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee~~
11 ~~under 61-3-537 or 61-3-570;~~
12 ~~—— (ii) a motor home under 61-3-321;~~
13 ~~—— (iii) a travel trailer under 61-3-321;~~
14 ~~—— (iv) a motorcycle or quadricycle under 61-3-321;~~
15 ~~—— (v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under~~
16 ~~61-3-321 and 61-3-529; or~~
17 ~~—— (vi) a trailer under 61-3-321;~~
18 ~~—— (b) a donation of \$1 or more if the person indicates that the person wishes to donate to promote~~
19 ~~awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact~~
20 ~~anatomical gifts; and~~
21 ~~—— (c) a donation of \$1 or more if the person indicates that the person wishes to donate to promote~~
22 ~~education on, support for, and awareness of traumatic brain injury.~~
23 ~~—— (6) The county treasurer or an authorized agent may not issue a registration receipt or license plates for~~
24 ~~the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required~~
25 ~~by subsection (5).~~
26 ~~—— (7) The department may make full and complete investigation of the registration status of the motor~~
27 ~~vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole~~
28 ~~trailer under this section shall provide additional information to support the registration to the department if~~
29 ~~requested.~~
30 ~~—— (8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded~~

1 by the respective county treasurer or an authorized agent to the department for deposit in the state special
 2 revenue fund to the credit of an account established by the department of public health and human services to
 3 support activities related to awareness and education efforts for procurement of organ and tissue donations for
 4 anatomical gifts.

5 ~~———— (9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or~~
 6 ~~collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer~~
 7 ~~that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the~~
 8 ~~travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who~~
 9 ~~registered the travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a travel~~
 10 ~~trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is~~
 11 ~~transferred or unless it was registered under 61-3-701.~~

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

16 ~~———— (10) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded~~
 17 ~~by the respective county treasurer or an authorized agent to the department for deposit in the state special~~
 18 ~~revenue fund to the credit of the account established in 2-15-2218 to support activities related to education~~
 19 ~~regarding prevention of traumatic brain injury.~~

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

23

24 ~~———— **Section 12.** Section 61-3-313, MCA, is amended to read:~~

25 ~~———— **"61-3-313. Motor vehicles exempt from registration renewal.** (1) The following motor vehicles are~~
 26 ~~exempt from the registration renewal requirements of 61-3-312:~~

27 ~~———— (a) motor vehicles owned or leased and operated by the government of the United States or by the state~~
 28 ~~of Montana or a political subdivision of the state;~~

29 ~~———— (b) motor vehicles registered as part of a fleet under 61-3-318; and~~

30 ~~———— (c) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to~~

1 the provisions of 61-3-711 through 61-3-733.

2 ——— (2) Unless a transfer of ownership occurs, ~~except as provided in 61-3-321(24),~~ a travel trailer, trailer,
3 semitrailer, pole trailer, motorcycle, or quadricycle, including a motorcycle or quadricycle registered only for
4 off-highway use under Title 23, chapter 2, part 8, is permanently registered."

5

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

7 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**

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

11 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under
12 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging
13 trucks that weigh 1 ton or less is as follows:

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

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

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

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

23 (b) If a trailer, semitrailer, or pole trailer is registered under 61-3-701, the fees required in subsection
24 (3)(a) must be paid annually.

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

- 27 (a) 2,850 pounds and over, \$10; and
- 28 (b) under 2,850 pounds, \$5.

29 (5) ~~(A)~~ Except as provided in ~~subsection~~ subsections (5)(B) AND (15) and (24), the one-time registration
30 fee for off-highway vehicles other than a quadricycle or motorcycle is \$61.25.

1 (B) WHENEVER A VALID SUMMER MOTORIZED RECREATION TRAIL PASS ISSUED PURSUANT TO [SECTION 2] IS
 2 AFFIXED TO AN OFF-HIGHWAY VEHICLE OTHER THAN A QUADRICYCLE OR MOTORCYCLE, THE ONE-TIME REGISTRATION FEE
 3 IS \$41.25.

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

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

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

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

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

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

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

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

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

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

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

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

21 (8) (a) Except as provided in ~~subsection~~ subsections (8)(B) AND (15) and (24), the one-time registration
 22 fee for motorcycles and quadricycles registered for:

23 (I) use on public highways is \$53.25; ~~and the one-time registration fee for motorcycles and quadricycles~~
 24 ~~registered for~~

25 (II) both off-road use and for use on the public highways is \$114.50.

26 (B) WHENEVER A VALID SUMMER MOTORIZED RECREATION TRAIL PASS ISSUED PURSUANT TO [SECTION 2] IS
 27 AFFIXED TO A MOTORCYCLE OR QUADRICYCLE, THE ONE-TIME REGISTRATION FEE FOR MOTORCYCLES AND QUADRICYCLES
 28 REGISTERED FOR:

29 (I) USE ON PUBLIC HIGHWAYS IS \$33.25; AND

30 (II) BOTH OFF-ROAD USE AND FOR USE ON THE PUBLIC HIGHWAYS IS \$94.50.

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

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

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

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

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

9 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
10 \$65.50;

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

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

14 (11) (a) Except as provided in subsections (11)(b), (11)(c), AND ~~and~~ (15), ~~and (25)~~, the one-time
15 registration fee for a snowmobile is \$60.50.

16 (B) WHENEVER A VALID SUMMER-MOTORIZED-RECREATION SNOWMOBILE TRAIL PASS ISSUED PURSUANT TO
17 [SECTION 2 9] IS AFFIXED TO A SNOWMOBILE, THE ONE-TIME REGISTRATION FEE IS \$40.50.

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

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

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

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

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

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

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

30 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of

1 standard license plates, a new single standard license plate, or a replacement set of special license plates
2 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
3 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
4 paid if the vehicle to which the plates are transferred is not currently registered.

5 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
6 number from license plates issued before January 1, 2010, when replacement of those plates is required under
7 61-3-332(3).

8 (c) The fees imposed in this subsection (13) must be deposited in the account established under
9 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

10 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
11 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
12 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
13 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
14 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

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

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

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

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

25 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
26 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
27 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
28 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
29 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks [or as otherwise
30 appropriated by the legislature], 25 cents for fishing access sites, and 38 cents for the operation of state-owned

1 facilities at Virginia City and Nevada City.

2 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
3 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
4 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
5 be collected.

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

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

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

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

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

23 (22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
24 61-3-721.

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

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

1 ~~———— (24) (a) The permanent registration of an off-highway vehicle, motorcycle, or quadricycle may be~~
2 ~~transferred to a new owner when a valid summer motorized recreation trail pass issued pursuant to [section 2]~~
3 ~~is affixed to the off-highway vehicle, motorcycle, or quadricycle. However, the new owner shall apply for a~~
4 ~~certificate of title under Title 61, chapter 3, part 2.~~

5 ~~———— (b) To accommodate the provisions of this section, the motor vehicle division of the department shall~~
6 ~~track the permanent registration of an off-highway vehicle, motorcycle, or quadricycle by its identifying number~~
7 ~~and not the name of the owner listed on the certificate of title.~~

8 ~~———— (25) (a) The permanent registration of a snowmobile may be transferred to a new owner when a valid~~
9 ~~snowmobile trail pass issued pursuant to 23-2-636 is affixed to the snowmobile. However, the new owner shall~~
10 ~~apply for a certificate of title under Title 61, chapter 3, part 2.~~

11 ~~———— (b) To accommodate the provisions of this section, the motor vehicle division of the department shall~~
12 ~~track the permanent registration of a snowmobile by its identifying number and not the name of the owner listed~~
13 ~~on the certificate of title. (Bracketed language terminates June 30, 2019--sec. 21, Ch. 351, L. 2017.)"~~

14
15 **NEW SECTION. Section 12. Codification instruction.** [Sections 1 through 4] are intended to be
16 codified as an integral part of Title 23, chapter 2, part 1, and the provisions of Title 23, chapter 2, part 1, apply
17 to [sections 1 through 4].

18 - END -