

HOUSE BILL NO. 355

INTRODUCED BY K. WHITE

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOTORIZED  
5 RECREATION; ESTABLISHING THE SUMMER MOTORIZED RECREATION TRAIL 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 SNOWMOBILE TRAIL PASS FEES;  
9 REVISING NONRESIDENT TEMPORARY USE PERMIT FEES FOR OFF-HIGHWAY VEHICLES; ALLOWING  
10 THE PERMANENT REGISTRATION OF CERTAIN OFF-HIGHWAY VEHICLES, MOTORCYCLES,  
11 QUADRICYCLES, AND SNOWMOBILES TO BE TRANSFERRED UPON CHANGE OF OWNERSHIP;  
12 REVISING REQUIREMENTS FOR ELECTRONIC RECORDS OF REGISTRATIONS; AND AMENDING  
13 SECTIONS 23-2-101, 23-2-102, 23-2-103, 23-2-636, 23-2-814, 61-3-101, 61-3-303, 61-3-313, AND 61-3-321,  
14 MCA."

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17  
18 NEW SECTION. **Section 1. Definitions.** For the purposes of this part, the following definitions apply:

- 19 (1) "Department" means the department of fish, wildlife, and parks.  
20 (2) "Motorized equipment" means any motorized equipment authorized to be used on public lands by  
21 the land management agency with jurisdiction over those lands.  
22 (3) "Summer motorized recreation trail" means a trail designated as open to motorized use and approved  
23 for inclusion in the summer motorized recreation trail program established in [section 2] by the land management  
24 agency with jurisdiction over the trail.

25  
26 NEW SECTION. **Section 2. Summer motorized recreation trail pass for residents -- fees --**  
27 **penalties.** (1) Except as provided in subsection (5) of this section, motorized equipment registered in Montana  
28 pursuant to 61-3-321 may not be operated on a summer motorized recreation trail unless a summer motorized  
29 recreation trail pass is affixed in a conspicuous place to the motorized equipment.

30 (2) The cost of a summer motorized recreation trail pass is \$20. The trail pass is valid for 2 years and

1 expires on December 31 of the second calendar year.

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

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

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

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

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

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

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

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

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

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

20

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

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

25 (a) \$1 from each trail pass sold pursuant to [section 2] must be used to mitigate and eradicate noxious  
26 weeds along summer motorized recreation trails; and

27 (b) the remainder must be used for designation, maintenance, and improvement of summer motorized  
28 recreation trails.

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

1

2 **NEW SECTION. Section 4. Summer motorized recreation trail program -- grants -- rulemaking.**3 (1) There is a summer motorized recreation trail program by which the department may use funds deposited in  
4 the account established in [section 3] to:

5 (a) designate, mark or sign, maintain, and improve summer motorized recreation trails;

6 (b) mitigate and eradicate noxious weeds along summer motorized recreation trails; and

7 (c) distribute grants and funding assistance to agencies managing a trail designated as a summer  
8 motorized recreation trail through a cooperative agreement with the department to be used for the purposes  
9 described in subsections (1)(a) and (1)(b).10 (2) In utilizing funds pursuant to this section, the department shall consider the recommendations of the  
11 state trails advisory committee established pursuant to 23 U.S.C. 206.12 (3) The department may adopt rules to implement the provisions of [sections 1 through 4].  
13

13

14 **Section 5.** Section 23-2-101, MCA, is amended to read:15 **"23-2-101. Legislative findings -- purpose.** Montana is uniquely endowed with scenic landscapes and  
16 areas rich in recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and  
17 businesses to the state, and is of major significance to the expanding tourist industry. It is the purpose of this part  
18 to give authority to the department of fish, wildlife, and parks to plan and develop outdoor recreational resources  
19 in the state, which ~~That~~ authority shall permit permits receiving and expending funds, including federal grants,  
20 for this purpose."  
21

21

22 **Section 6.** Section 23-2-102, MCA, is amended to read:23 **"23-2-102. Department of fish, wildlife, and parks to implement federal act.** The department of fish,  
24 ~~wildlife, and parks~~ is hereby designated as the state agency to represent and act for the state for the purpose of  
25 implementing the Land and Water Conservation Fund Act of 1965."  
26

26

27 **Section 7.** Section 23-2-103, MCA, is amended to read:28 **"23-2-103. Compliance with federal act authorized -- powers of department.** The department of fish,  
29 ~~wildlife, and parks~~ shall do those things necessary to comply with the provisions of the Land and Water  
30 Conservation Fund Act of 1965. Among other things, the department of fish, wildlife, and parks may:

- 1 (1) prepare a comprehensive statewide outdoor recreational plan ~~which shall~~ that must contain an  
 2 evaluation of the demand for and supply of outdoor recreational resources and facilities in Montana and a  
 3 program for implementation of the plan;
- 4 (2) accept and administer ~~moneys~~ money paid by the secretary of the interior for approved projects;
- 5 (3) contract with other state agencies, cities, counties, and other political subdivisions of the state, private  
 6 organizations, and agencies of the federal government;
- 7 (4) acquire, other than by eminent domain, and develop outdoor recreational areas and facilities ~~and as~~  
 8 well as land and waters and interests in land and waters for such areas and facilities;
- 9 (5) for the purpose of implementing the Land and Water Conservation Fund Act of 1965, coordinate its  
 10 activities with and represent the interests of all agencies of state, city, county, and other governmental units with  
 11 outdoor recreational responsibilities."

12

13 **Section 8.** Section 23-2-636, MCA, is amended to read:

14 **"23-2-636. Snowmobile trail pass -- fees -- penalties.** (1) Except as provided in subsection (4), to be  
 15 eligible to operate a snowmobile or use motorized equipment or mechanical transport in snowmobile areas  
 16 groomed with a grant or funding assistance awarded by the department, a person shall first purchase a  
 17 snowmobile trail pass for: ~~\$18~~

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

20 (b) \$35, if the snowmobile or motorized equipment is exempt from registration in Montana pursuant to  
 21 61-3-321 or the person operating the mechanical transport is not a resident as determined under 1-1-215. This  
 22 subsection (1)(b) does not apply to snowmobiles or motorized equipment exempt from registration in Montana  
 23 pursuant to 61-3-321(14).

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

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

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

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

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

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

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

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

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

15 (8) For the purposes of this section:

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

17 (b) "snowmobile" includes snowmobiles used for demonstration purposes by snowmobile dealers."  
 18

19 **Section 9.** Section 23-2-814, MCA, is amended to read:

20 **"23-2-814. Nonresident temporary-use permits -- use of fees.** (1) Except as provided in 23-2-802,  
 21 an off-highway vehicle that is owned by a nonresident may not be operated by a person in Montana unless a  
 22 nonresident temporary-use permit is obtained.

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

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

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

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

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

30 (b) Upon submission of the application and a fee of ~~\$27~~ \$35, of which ~~\$4~~ \$2 is a search and rescue

1 surcharge, a nonresident off-highway vehicle temporary-use sticker must be issued. The sticker must be  
2 displayed in a conspicuous manner on the off-highway vehicle. The sticker is the temporary-use permit.

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

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

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

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

9 (ii) \$2.50 must be used by the department for enforcement of off-highway vehicle laws pursuant to  
10 23-2-806;

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

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

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

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

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

21 **Section 10.** Section 61-3-101, MCA, is amended to read:

22 **"61-3-101. Duties of department -- records.** (1) (a) The department shall create and maintain a central  
23 registry of electronic files that includes an electronic record of title as specified in this section for motor vehicles,  
24 trailers, semitrailers, pole trailers, travel trailers, campers, motorboats, personal watercraft, sailboats,  
25 snowmobiles, and off-highway vehicles for which:

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

28 (ii) a certificate of title has been issued by the department; or

29 (iii) a registration, security interest, or lien transaction has been recorded by the department.

30 (b) The central registry of electronic files described in subsection (1) must include an electronic record

1 of registration for each motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal  
2 watercraft, sailboat, snowmobile, and off-highway vehicle registered in this state:

3 (i) for which the certificate of title was issued by another jurisdiction and that was registered in another  
4 jurisdiction; or

5 (ii) for which a certificate of title has not been issued or is not required.

6 (2) The electronic record of title for a motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper,  
7 motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle must contain the following  
8 information:

9 (a) the owner's name, Montana residence and, if different, mailing address, and customer identification  
10 number;

11 (b) a description of the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,  
12 personal watercraft, sailboat, snowmobile, or off-highway vehicle, including, as pertinent to the motor vehicle,  
13 trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or  
14 off-highway vehicle:

15 (i) the manufacturer of the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,  
16 personal watercraft, sailboat, snowmobile, or off-highway vehicle;

17 (ii) the manufacturer's designation of the style of the motor vehicle, trailer, semitrailer, pole trailer, travel  
18 trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle;

19 (iii) the identifying number;

20 (iv) the manufacturer's designated model year of manufacture and the odometer reading, if applicable,  
21 at the time of the transfer of ownership;

22 (v) the character of the motive power and the shipping weight of the motor vehicle, trailer, semitrailer,  
23 pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle  
24 as shown by the manufacturer;

25 (vi) the distinctive license number assigned to the motor vehicle, trailer, semitrailer, pole trailer, travel  
26 trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle, if any;

27 (vii) the gross vehicle weight and gross vehicle weight rating, as determined by the manufacturer, or, for  
28 a trailer operating interstate, the declared weight;

29 (viii) the unique transaction record number, when available and assigned by the department, for each  
30 transaction pertaining to the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat,

1 personal watercraft, sailboat, snowmobile, or off-highway vehicle and the date of each transaction;  
2 (ix) any brand required under state law or any brand carried forward from a certificate of title surrendered  
3 from another jurisdiction;  
4 (x) if the motor vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal  
5 watercraft, sailboat, snowmobile, or off-highway vehicle has been or is currently registered in this state, the  
6 distinctive license plate number or certificate number assigned to the motor vehicle, trailer, semitrailer, pole trailer,  
7 travel trailer, camper, motorboat, personal watercraft, sailboat, snowmobile, or off-highway vehicle and a record  
8 of all fees and local option taxes, if applicable, paid for the current and preceding registration periods; and  
9 (xi) other information that may be required for registration or may from time to time be found desirable.  
10 (3) ~~The~~ Except as provided in 61-3-321(24) and (25), the electronic record of registration for a motor  
11 vehicle, trailer, semitrailer, pole trailer, travel trailer, camper, motorboat, personal watercraft, sailboat,  
12 snowmobile, or off-highway vehicle must contain, at a minimum, the following information:  
13 (a) the owner's name, Montana residence and, if different, mailing address, and the customer  
14 identification number;  
15 (b) the same data that is required under subsection (2)(b) for the electronic record of title; and  
16 (c) any other data considered to be pertinent by the department.  
17 (4) In order to prevent an accumulation of unneeded records and files, regardless of any other statutory  
18 requirements, the department may destroy all records and files that relate to motor vehicles, trailers, semitrailers,  
19 pole trailers, travel trailers, campers, motorboats, personal watercraft, sailboats, snowmobiles, or off-highway  
20 vehicles that have not been registered within the preceding 4 years and that do not have an active lien.  
21 (5) Subject to the provisions of Title 61, chapter 11, part 5, motor vehicle records maintained by the  
22 department must be open to inspection during reasonable business hours, and the department shall furnish any  
23 information from the records, except personal information and highly restricted personal information, as defined  
24 in 61-11-503, upon payment by the applicant of the cost of the information requested. Prior to providing the  
25 information, the department shall require the applicant to provide identification. The department may not disclose  
26 personal information or highly restricted personal information except as permitted or required under 61-11-507,  
27 61-11-508, or 61-11-509."  
28

29 **Section 11.** Section 61-3-303, MCA, is amended to read:

30 **"61-3-303. Original registration -- process -- fees.** (1) Except as provided in 61-3-321(24) and



1 61-3-324, a Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven  
2 upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the  
3 county where the owner is domiciled. A nonresident who has an interest in real property in Montana may register  
4 in the county where the real property is located a motor vehicle, trailer, semitrailer, or pole trailer operated or  
5 driven upon the public highways of this state.

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

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

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

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

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

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

27 (a) update the electronic record of title, if any, maintained for the vehicle by the department under  
28 61-3-101;

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

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

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

1 anatomical gifts.

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

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

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

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

20

21 **Section 12.** Section 61-3-313, MCA, is amended to read:

22 **"61-3-313. Motor vehicles exempt from registration renewal.** (1) The following motor vehicles are  
23 exempt from the registration renewal requirements of 61-3-312:

24 (a) motor vehicles owned or leased and operated by the government of the United States or by the state  
25 of Montana or a political subdivision of the state;

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

27 (c) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to  
28 the provisions of 61-3-711 through 61-3-733.

29 (2) Unless a transfer of ownership occurs, except as provided in 61-3-321(24), a travel trailer, trailer,  
30 semitrailer, pole trailer, motorcycle, or quadricycle, including a motorcycle or quadricycle registered only for

1 off-highway use under Title 23, chapter 2, part 8, is permanently registered."

2

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

4 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**  
 5 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon  
 6 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,  
 7 semitrailers, and pole trailers as provided in subsections (2) through (20).

8 (2) (a) Except as provided in subsection (2)(b), unless a light vehicle is permanently registered under  
 9 61-3-562, the annual registration fee for light vehicles, trucks, and buses that weigh 1 ton or less and for logging  
 10 trucks that weigh 1 ton or less is as follows:

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

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

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

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

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

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

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

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

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

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

- 1 (i) less than 2 years old, \$282.50;
- 2 (ii) 2 years old and less than 5 years old, \$224.25;
- 3 (iii) 5 years old and less than 8 years old, \$132.50; and
- 4 (iv) 8 years old and older, \$97.50.
- 5 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
- 6 under this section may permanently register the motor home upon payment of:
- 7 (i) a one-time registration fee of \$237.50;
- 8 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
- 9 deposited in the account established under 61-6-158;
- 10 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and
- 11 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
- 12 license plate under 61-3-465.
- 13 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years
- 14 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.
- 15 (8) (a) Except as provided in ~~subsection~~ subsections (15) and (24), the one-time registration fee for
- 16 motorcycles and quadricycles registered for use on public highways is \$53.25, and the one-time registration fee
- 17 for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 18 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
- 19 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 20 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
- 21 length of the travel trailer, is as follows:
- 22 (a) under 16 feet in length, \$72; and
- 23 (b) 16 feet in length or longer, \$152.
- 24 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
- 25 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:
- 26 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
- 27 \$65.50;
- 28 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
- 29 length, \$125.50; and
- 30 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

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

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

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

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

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

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

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

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

15 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of  
16 standard license plates, a new single standard license plate, or a replacement set of special license plates  
17 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously  
18 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be  
19 paid if the vehicle to which the plates are transferred is not currently registered.

20 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate  
21 number from license plates issued before January 1, 2010, when replacement of those plates is required under  
22 61-3-332(3).

23 (c) The fees imposed in this subsection (13) must be deposited in the account established under  
24 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

25 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are  
26 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled  
27 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle  
28 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),  
29 (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.

30 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,

1 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,  
2 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle  
3 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the  
4 fees imposed under this section.

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

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

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

10 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of  
11 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and  
12 transmitted separately from the registration fee. The fee must be deposited in an account in the state special  
13 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.  
14 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks [or as otherwise  
15 appropriated by the legislature], 25 cents for fishing access sites, and 38 cents for the operation of state-owned  
16 facilities at Virginia City and Nevada City.

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

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

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

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

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

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

8 (22) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by  
9 61-3-721.

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

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

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

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

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

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

29  
30 **NEW SECTION. Section 14. Codification instruction.** [Sections 1 through 4] are intended to be



1 codified as an integral part of Title 23, chapter 2, part 1, and the provisions of Title 23, chapter 2, part 1, apply  
2 to [sections 1 through 4].

3 - END -