

1 \*\*\*\* BILL NO. \*\*\*\*  
2 INTRODUCED BY \*\*\*\*  
3 BY REQUEST OF THE \*\*\*\*  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING GROSS VEHICLE WEIGHT FEES FOR  
6 ELECTRIC VEHICLES DRIVEN ON PUBLIC HIGHWAYS; PROVIDING A PURPOSE; REQUIRING THAT  
7 ELECTRIC VEHICLES DRIVEN ON PUBLIC HIGHWAYS BE AFFIXED WITH A HIGHWAY-USE DECAL  
8 PURCHASED FROM THE DEPARTMENT OF TRANSPORTATION; DELAYING IMPLEMENTATION OF THE  
9 REQUIREMENT; PROVIDING EXEMPTIONS FOR CERTAIN TYPES OF VEHICLES; SPECIFYING HOW  
10 HIGHWAY-USE DECALS FUNCTION; SPECIFYING THE COST OF HIGHWAY-USE DECALS; PROVIDING  
11 FOR ENFORCEMENT; PROVIDING A PENALTY; PROVIDING FOR DEPOSIT OF FEES IN THE HIGHWAY  
12 RESTRICTED ACCOUNT; PROVIDING FOR DEPOSIT OF FINES IN THE HIGHWAY NONRESTRICTED  
13 ACCOUNT; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; AMENDING SECTIONS  
14 15-70-126, 61-10-201, 61-10-206, AND 61-10-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
15 DATE."  
16

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
18

19 NEW SECTION. Section 1. Short title. [Sections 1 through 19] may be cited as the "Electric Vehicle  
20 Road Use Act".  
21

22 NEW SECTION. Section 2. Purpose. The purpose of [sections 1 through 19] is to assess a gross  
23 vehicle weight fee on electric vehicles driven or operated on the public highways of the state, as provided in  
24 Article VIII, section 6, of the Montana constitution, that:

- 25 (1) recoups gas tax revenue lost due to the increasing use of electric vehicles;
- 26 (2) reasonably reflects the impact on highway maintenance that vehicles of different weights have;
- 27 (3) encourages all drivers or operators of electric vehicles to shoulder their responsibility for the  
28 maintenance of an adequate and safe highway system;

1 (4) is responsive to the needs of Montana residents and visitors;

2 (5) is responsive to the needs of commercial transportation; and

3 (6) is manageable for the state to administer.

4

5 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 19], unless the context  
6 clearly indicates otherwise, the following definitions apply:

7 (1) "Department" means the department of transportation;

8 (2) (a) "Electric vehicle" means a vehicle that is powered solely by an electric motor powered by  
9 storage batteries or fuel cells that can be recharged from an external source.

10 (b) The term does not include a low-speed electric vehicle or a medium-speed electric vehicle as  
11 those terms are defined in 61-1-101.

12 (3) "Highway-use decal" means a sticker purchased from the department of transportation by  
13 payment of a gross vehicle weight fee.

14 (4) "Weight category" means the designations provided in [section 8].

15

16 **NEW SECTION. Section 4. Requirement.** (1) Except as provided in [sections 5 and 6], an electric  
17 vehicle driven or operated on the public highways of the state after April 30, 2024, must be affixed with a  
18 highway-use decal that is:

19 (a) valid for the date the vehicle is driven or operated;

20 (b) valid for the weight category of the vehicle; and

21 (c) specific to the vehicle.

22 (2) Driving or operating an electric vehicle in violation of subsection (1) is a misdemeanor  
23 punishable with a fine under [section 16].

24

25 **NEW SECTION. Section 5. Exemptions.** (1) The requirement for a highway-use decal as provided in  
26 [section 4] does not apply to a vehicle subject to a short-term or long-term exemption.

27 (2) A short-term exemption applies to an electric vehicle:

28 (a) ticketed for violating [section 4] within the previous 24 hours, subject to the provisions of

1 [section 16];

2 (b) purchased in the previous 14 days by a person who has purchased a 1-year highway-use  
3 decal, if the driver or operator shows payment of the gross vehicle weight fee.

4 (3) A long-term exemption applies to an electric vehicle that is part of a commercial fleet subject to  
5 [section 14].

6

7 **NEW SECTION. Section 6. Nonapplicability.** (1) The requirement for a highway-use decal as  
8 provided in [section 4] does not apply to electric vehicles that are:

9 (a) bicycles; or

10 (b) implements of husbandry, as defined in 61-1-101.

11 (2) An electric vehicle described in subsection (1) does not require a long-term exemption.

12

13 **NEW SECTION. Section 7. Highway-use decals -- duration.** (1) Highway-use decals must be valid  
14 for 1 week, 1 month, 1 year, or for the duration of a long-term exemption.

15 (2) A 1-week highway-use decal must be valid for 7 consecutive calendar days, inclusive of the  
16 first day of validity.

17 (3) A 1-month highway-use decal must be valid from a certain date written or marked on the decal  
18 to the same numerical day of the next month. If the same numerical day does not exist in the next month, the  
19 decal must be valid for that whole month.

20 (4) A 1-year highway-use decal must be valid from the month of its purchase to the final day of the  
21 same month 1 year later.

22 (5) A long-term exemption decal may not exceed 2 years.

23

24 **NEW SECTION. Section 8. Highway-use decals -- weight categories.** (1) A standard-weight  
25 electric vehicle includes any electric vehicle that is:

26 (a) designed to transport nine people or less and not designed for sleeping in;

27 (b) a sport utility vehicle, as defined in 61-1-101;

28 (c) a van, as defined in 61-1-101;

- 1 (d) a pickup truck; or
- 2 (e) an electric vehicle subject to the requirement of [section 4] but that does not meet the criteria of
- 3 a heavy electric vehicle or a very-heavy electric vehicle.
- 4 (2) A heavy electric vehicle includes an electric vehicle that is:
  - 5 (a) a bus, as defined in 61-1-101; or
  - 6 (b) a recreational vehicle, as defined in 61-1-101, that is self-propelled.
- 7 (3) A very-heavy electric vehicle includes an electric vehicle that is:
  - 8 (a) a commercial motor vehicle, as defined in 61-1-101;
  - 9 (b) a motortruck subject to the provisions of 61-1-101;
  - 10 (c) a truck, as defined in 61-1-101; or
  - 11 (d) a truck tractor, as defined in 61-1-101.

12  
13 **NEW SECTION. Section 9. Highway-use decals -- design.** (1) The department shall design  
14 highway-use decals.

- 15 (2) When designing highway-use decals, the department shall consider:
  - 16 (a) visibility;
  - 17 (b) durability;
  - 18 (c) nontransferability; and
  - 19 (d) cost of production.
- 20 (3) When designing highway-use decals, the department may consider:
  - 21 (a) additional criteria that may aid in the administration of [sections 1 through 19]; and
  - 22 (b) graphic design features that reflect the state's shape, its landscape, or its state symbols as
  - 23 provided in Title 1, chapter 1, part 5.

24  
25 **NEW SECTION. Section 10. Highway-use decals -- sales.** By March 30, 2024, the department shall  
26 make highway-use decals available for sale:

- 27 (1) by mail;
- 28 (2) online; and

1 (3) at appropriate locations within the state.

2

3 **NEW SECTION. Section 11. One-week decal costs.** The gross vehicle weight fee for a 1-week

4 highway-use decal is as follows:

5 (1) for an ordinary-weight electric vehicle, \$5;

6 (2) for a heavy electric vehicle, \$8; and

7 (3) for a very-heavy electric vehicle, \$15.

8

9 **NEW SECTION. Section 12. One-month decal costs.** The gross vehicle weight fee for a 1-month

10 highway-use decal is as follows:

11 (1) for an ordinary-weight electric vehicle, \$15;

12 (2) for a heavy electric vehicle, \$25; and

13 (3) for a very-heavy electric vehicle, \$50.

14

15 **NEW SECTION. Section 13. One-year decal costs.** Except as provided in subsection (2), the gross

16 vehicle weight fee for a 1-year highway-use decal is as follows:

17 (1) (a) for an ordinary-weight electric vehicle, \$150;

18 (b) for a heavy electric vehicle, \$250; and

19 (c) for a very-heavy electric vehicle, \$500.

20 (2) The owner of an ordinary-weight electric vehicle registered in the state may elect to report the

21 vehicle's mileage to the department on purchase of a 1-year highway-use decal. If the owner purchases a 1-

22 year highway-use decal in the subsequent year, the owner may report the vehicle's new mileage to the

23 department. The gross vehicle weight fee for the new 1-year highway-use decal must be calculated by

24 multiplying the miles driven in the previous year by \$0.01, except that the fee may not exceed \$150.

25

26 **NEW SECTION. Section 14. Long-term exempted vehicle decals.** (1) The owner or lessee of an

27 electric vehicle registered in a fleet, as defined in 61-3-318, may:

28 (a) purchase a highway-use decal for each fleet vehicle; or

1 (b) apply to the department for a long-term exemption for each fleet vehicle.

2 (2) The department shall set fees for long-term exemptions that are reasonably related to the  
3 expected highway use of a fleet vehicle. Fees may not exceed the cost of a 1-year highway-use decal for each  
4 vehicle.

5 (3) On payment of the fee set by the department, the department shall issue long-term exemption  
6 decals for each fleet vehicle.

7  
8 **NEW SECTION. Section 15. Deposit of fees and fines.** (1) The department shall deposit fees  
9 collected from the sale of highway-use decals in the highway restricted account provided for in 15-70-126.

10 (2) Fines collected under [section 16] must be forwarded to the department for deposit in the  
11 highway nonrestricted account provided for in 15-70-125.

12  
13 **NEW SECTION. Section 16. Penalty.** (1) The penalty for driving or operating an electric vehicle in  
14 violation of [section 4] is a fine equal in value to the cost of a 1-month highway-use decal as provided in [section  
15 12].

16 (2) Multiple penalties may not be assessed in a 24-hour period if the citation previously issued to  
17 the owner or operator of an electric vehicle is provided for inspection to a highway patrol officer, a designated  
18 employee of the department of transportation, or a motor carrier service officer.

19  
20 **NEW SECTION. Section 17. Enforcement.** (1) The highway patrol and a designated employee of  
21 the department of transportation shall:

22 (a) enforce [sections 1 through 19] with regard to all electric vehicles; and

23 (b) examine and inspect the electric vehicles driven or operated on the public highways in this  
24 state and regulated by [sections 1 through 19] to ascertain whether or not those laws are being complied with.

25 (2) The motor carrier service shall:

26 (a) enforce [sections 1 through 19] with regard to electric vehicles that are trucks or truck tractors;

27 and

28 (b) examine and inspect the electric vehicles that are trucks or truck tractors driven or operated on

1 the public highways in this state and regulated by [sections 1 through 19] to ascertain whether or not those laws  
2 are being complied with.

3

4 **NEW SECTION. Section 18. Public notice.** The department shall provide advisories about the  
5 requirements of [sections 1 through 19] and about methods for purchasing highway-use decals:

- 6 (1) on the department website;
- 7 (2) on the official Montana highway travel map;
- 8 (3) in tourism brochures created by the department;
- 9 (4) on signs erected near Montana's borders; and
- 10 (5) by other appropriate means.

11

12 **NEW SECTION. Section 19. Rulemaking authority.** The department shall adopt rules to implement  
13 and enforce [sections 1 through 19].

14

15 **Section 20.** Section 15-70-126, MCA, is amended to read:

16 **"15-70-126. Highway restricted account.** (1) There is a highway restricted account in the state  
17 special revenue fund provided for in 17-2-102. All interest and income earned on the account must, in  
18 accordance with the provisions of 17-2-124, be deposited to the credit of the account and any unexpended  
19 balance in the account must remain in the account.

20 (2) Subject to subsection (4) and 15-70-403(2), all revenue sources provided for in Article VIII,  
21 section 6, of the Montana constitution must be deposited in the account, including but not limited to:

- 22 (a) all taxes collected under this chapter except as provided in 15-70-403(2)(b), (2)(c), (3)(b), and  
23 (3)(c);
- 24 (b) taxes collected for improperly imported fuel as provided in 15-70-419;
- 25 (c) fees collected for temporary special fuel permits as provided in 15-70-456;
- 26 (d) GVW license fees as provided in 61-10-225 and 61-10-226-; [and](#)
- 27 [\(e\) electric vehicle highway-use fees as provided in \[sections 1 through 19\].](#)

28 (3) Except as provided in subsection (5), the money in the account is restricted and may be used

1 only for the purpose of providing funding:

2 (a) for statutory refunds and adjustments;

3 (b) for debt service on highway revenue bonds;

4 (c) to the department for distribution to local governments as provided in 15-70-101;

5 (d) to the department for railroad grade crossing protection as provided in 15-70-102;

6 (e) until June 30, 2018, to the department of justice for expenses of the motor vehicle division;

7 (f) for gasoline tax allocations as provided in 60-3-201;

8 (g) to the department for administration of the motor carrier services functions;

9 (h) to the department for the highways in this state selected and designated by the transportation

10 commission provided for in 2-15-2502;

11 (i) to the department for the collection of fuel taxes;

12 (j) for driver education, which may not exceed \$10,000; and

13 (k) for tourist promotion, which may not exceed \$10,000.

14 (4) (a) The portion of money collected from all revenue sources provided for in Article VIII, section

15 6, of the Montana constitution on hand at any time that is needed to pay highway bonds and interest on

16 highway bonds when due and to accumulate and maintain a reserve for payment of highway bonds and

17 interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be

18 deposited in the highway bond account in the debt service fund established by 17-2-102.

19 (b) The department is authorized to maintain a suspense account for gasoline and special fuel tax

20 refunds and adjustments.

21 (5) The money in the account may be appropriated for purposes other than those listed in

22 subsection (3) by a three-fifths vote of the members of each house of the legislature."

23

24 **Section 21.** Section 61-10-201, MCA, is amended to read:

25 **"61-10-201. Weight fees on motortrucks, truck tractors, and buses.** In addition to other fees for

26 the licensing of vehicles [and gross vehicle weight fees for electric vehicles](#), there must be paid and collected

27 annually for each truck, truck tractor, and bus, based upon the manufacturer's rated capacity for trucks with a

28 capacity of 1 ton or less and upon the maximum gross loaded weight and the maximum gross weight of any



1 towed unit of each truck and truck tractor as set by the licensee in the licensee's application, the following fees:

Manufacturer's rated capacity up to 1/2 ton	\$ 7.00
Manufacturer's rated capacity of 3/4 ton	12.50
Manufacturer's rated capacity of 1 ton	17.50
Up to 16,000 lbs	21.00
16,001 through 18,000 lbs	28.00
18,001 through 20,000 lbs	37.50
20,001 through 22,000 lbs	47.00
22,001 through 24,000 lbs	70.00
24,001 through 26,000 lbs	90.00
26,001 through 28,000 lbs	110.00
28,001 through 30,000 lbs	130.00
30,001 through 32,000 lbs	150.00
32,001 through 34,000 lbs	170.00
34,001 through	190.00

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As of: 2022/09/14 05:00:47

Drafter: Joe Carroll, 406-444-3804

68th Legislature

PD 0024

36,000 lbs	
36,001 through	215.00
38,000 lbs	
38,001 through	235.00
40,000 lbs	
40,001 through	255.00
42,000 lbs	
42,001 through	275.00
44,000 lbs	
44,001 through	300.00
46,000 lbs	
46,001 through	320.00
48,000 lbs	
48,001 through	340.00
50,000 lbs	
50,001 through	360.00
52,000 lbs	
52,001 through	380.00
54,000 lbs	
54,001 through	400.00
56,000 lbs	
56,001 through	420.00
58,000 lbs	
58,001 through	440.00
60,000 lbs	
60,001 through	460.00
62,000 lbs	

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As of: 2022/09/14 05:00:47

Drafter: Joe Carroll, 406-444-3804

68th Legislature

PD 0024

62,001 through	482.50
64,000 lbs	
64,001 through	502.50
66,000 lbs	
66,001 through	522.50
68,000 lbs	
68,001 through	545.75
70,000 lbs	
70,001 through	566.50
72,000 lbs	
72,001 through	607.50
74,000 lbs	
74,001 through	655.00
76,000 lbs	
76,001 through	695.00
78,000 lbs	
78,001 through	750.00
80,000 lbs	
Over 80,000 lbs. and within the weight limits specified in 61-10- 101 through 61-10- 104 and 61-10-106 through 61-10-110 plus an	750.00

additional  
\$46.00 for  
each ton or  
fraction of a  
ton in excess  
of 80,000  
lbs. plus an  
additional  
\$100.00 to  
exceed the  
80,000 lbs.  
federal gross  
weight limit.

1 "

2

3 **Section 22.** Section 61-10-211, MCA, is amended to read:

4 **"61-10-211. Fees on motortrucks, truck tractors, trailers, and semitrailers from other states. (1)**

5 In lieu of other fees for the licensing of vehicles, but in addition to an electric vehicle gross weight fee for a  
6 motortruck or truck tractor that is an electric vehicle, there must be collected a fee for each motortruck and truck  
7 tractor already licensed for the year in another jurisdiction and operated upon an itinerant basis in this state.

8 The fee provided in subsection (2) must be collected upon each entrance of the vehicle into the state and must  
9 be based upon the number of miles to be traveled in the state and the registered gross vehicle weight of the  
10 motortruck or truck tractor as shown in the application of the nonresident operator.

11 (2) The fee for each trip in Montana is:

0-	201-	over
200	400	400
miles	miles	miles

Up to 46,000 \$10 \$15 \$20

lbs.

46,001 20 30 40

through

80,000 lbs.

Over 80,001 50 65 80

lbs.

Triple 60 80 100

combination

1 (3) The fees do not apply to any trailer the principal use of which is as temporary or permanent  
2 living quarters, or to any vehicle of a carnival that is under contract with a state, county, or district fair  
3 association.

4 (4) A fee must be collected for each nonresident, unlicensed or unregistered trailer or semitrailer  
5 entering Montana. The fee for each trip in Montana is:

- 6 (a) \$10 for each trip of 200 miles or less;
- 7 (b) \$15 for each trip of over 200 miles to 400 miles; and
- 8 (c) \$20 for each trip of over 400 miles."

9  
10 **NEW SECTION. Section 23. {standard} Severability.** If a part of [this act] is invalid, all valid parts  
11 that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its  
12 applications, the part remains in effect in all valid applications that are severable from the invalid applications.

13  
14 **NEW SECTION. Section 24. Codification instruction.** (1) [Sections 1 through 18] are intended to  
15 be codified as an integral part of Title 61, and the provisions of Title 61 apply to [sections 1 through 18].

16 (2) [Section 19] is intended to be codified as an integral part of Title 61, chapter 14, and the  
17 provisions of Title 61, chapter 14, apply to [section 19].

18  
19 **NEW SECTION. Section 25. {standard} Effective date.** [This act] is effective on passage and

1 approval.

2

- END -

DRAFT